Sec. 157-24 Appointment Procedure

(a) Procedure:

(1) Following recruitment and screening of applicants, the department head of the department with a position vacancy shall recommend appointment of the most suitable applicant to the Mayor.

(2) Appointments are subject to the approval of the Mayor, acting with the advice of the department head who recommended the candidate and the City Recorder.

(3) No applicant of person shall be promised employment, or enrolled, or commence work until the Mayor's approval has been given.

(b) Employees Covered: This section does not apply to Civil Service Employees.

04/2001
157951.v2.

Sec. 157-25 New Employee Procedure

(a) Policy: New employees are appointed by the City and begin employment with the City with pay and benefits as defined herein.

(c) Initial Performance Evaluation: After one and a half (1.5) months of continuous full time employment, the new employee shall be evaluated about the knowledge, skills, and abilities needed of the position. If the employee does not have the ability to perform the work, accept and exercise responsibility or does not work well with the public and fellow employees, then employment will be discontinued.

(c) Benefits: Earned vacation accrues upon date of hire. New employees are eligible for other benefits two (2) months after date of hire.

(d) Definitions:

(1) Part-time employees are regular employees with assigned duties which require regular performance but whose position normally requires less than thirty-five (35) hours per week. Part-time employees receive no benefits.

(2) Temporary employees, are those employees who are hired for temporary or seasonal positions, receive no benefits.

(e) Exception: The duration of the time before full benefits start may be shortened with a written performance evaluation completed by the Supervisor, agreement of the Recorder, and the written approval of the Mayor.

(e) Employees Covered: This section does not apply to Civil Service Employees.

Sec. 157-26/157-29 Reserved.

04/2001
158430.v2.

CONDITIONS OF EMPLOYMENT

Sec. 157-30 General Responsibilities and Conduct

(a) Employees are expected to:

(1) Report to work on time, at their designated work place.

(2) Remain on the job until the end of the workday or shift, unless a prior request was approved by the Department Head.

(3) Perform their work conscientiously and to the best of their ability, contributing a fair days work for their pay and carrying out assigned work duties in a timely manner.

(4) Work as an effective and productive member of a team, respecting the rights of other team members while performing their own work and that of the team.

(5) Accept additional assignments during periods of peak workloads or emergencies.

(6) Request prior approval before taking leave or leaving the work site, and promptly report any anticipated tardiness or absence due to sickness or other cause.

(7) Dress and conduct themselves in a manner appropriate to their work responsibilities.

(8) Work safely as prescribed in Safety Section 157-40 of the City Employment Provisions.

(9) Conduct themselves as required by Drug Free Workplace Section 157-05 of the City Employment Provisions.

(10) Treat City employees and residents respectfully and without harassment or discrimination as required by the Equal Employment Opportunity Section 157-04 of the City Employment Provisions.

(b) All Department Heads and Supervisors are accountable to the Mayor and are expected to:

(1) Execute administrative directives and policies, city ordinances, and legislative programs.

(2) Work with all employees in fair and equitable manner, upholding the principles of Equal Employment Opportunity, Section 157-04.

(3) Develop and motivate employees to reach their greatest potential through continued education and training.

(4) Keep employees informed of their role in accomplishing their unit's work and of conditions or changes affecting their work.

(5) Objectively evaluate employee work performance and discuss appraisals with employees so that desired improvements are achieved.

(6) Make every effort to resolve employee problems and grievances, consistent with organizational needs and good personnel practices.

(7) Be immediately and positively responsive to all potential harassing and discriminating incidents involving City employees.

(8) Be immediately and positively responsive to all potential safety incidents involving City employees, particularly in respect to investigating workplace injuries and implementing appropriate prevention measures..

(9) Carry out the general responsibilities, including those set out in sub-section (a) above, applicable to all employees.

(c) All Employees and Supervisors: Attitude and Courtesy

All City employees are expected to work with the public in a responsive, courteous and respectful manner. Employees shall conduct themselves at all times in a manner that reflects positively upon their departments and the City government.

(d) All Employees and Supervisors: Punctuality and Attendance

(1) Policy: Because of essential nature of City services, employees shall avoid absence and tardiness. Attendance and punctuality are important employee responsibilities that may affect eligibility for promotions.

(2) Notification Required: Employees are required to promptly notify their Supervisors when illness prevents reporting for work or when the unavoidable circumstances cause late reporting for work. For scheduled absences, such as doctor's appointments, etc., employee shall notify Supervisor three scheduled workdays before appointment.

(3) Resignation: If an employee is absent from such employee's job two consecutive work days without notice, it will be assumed that the employee has resigned. (Supervisors or Department Heads will make a reasonable attempt to confirm the employee's intention before the resignation process is initiated.)

(e) City Owned Property

Procedures:

(1) City equipment, material, tools, and supplies shall not be taken for personal use nor removed from city property except in the conduct of official City business, unless approved by the Department Head.

(2) No other use shall be made of City property except under policies allowing use of that property by the public.

(3) Employees shall care for vehicles owned by the City in a responsible and conscientious manner.

(4) Vehicles shall be used exclusively for City business.

(5) Exceptions:

a. Department Heads and other employees on emergency call may drive vehicles home if they specifically have the written recommendation of the Department Head and approval of the Mayor.

b. Use of City vehicle is part of an explicit compensation agreement.

04/2001
157962.v2.

Sec. 157-31 Performance Evaluation

(a) Policy: Employee performance is very important to the operation of City government. Employees want to improve performance and expect to receive feedback concerning the quality of their work for the City from their Supervisor.

(b) Process: Supervisors will continually evaluate employees' work and evaluate all employees at least annually. The focus of the evaluation will be the employee's application of the necessary knowledge, skills, and abilities to the position the employee currently holds. This shall be done in a way that employees obtain an understanding of their job performance, both strengths and weaknesses, and needed improvements through open communications with their job Supervisor. The performance evaluation process is an important means of bringing the employee and Supervisor together to discuss problems, questions, work progress and employee development objectives. Written performance evaluations shall be used to determine whether an employee is suited for continued employment and eligible for promotion or demotion.

(c) Procedure: A written performance evaluation shall be completed for an employee after one and one half (1.5) months of employment and each year thereafter. This evaluation will be discussed with the employee by his/her Supervisor and a copy offered to him or her. The Supervisor may record employee comments on the evaluation form, sign it and request the employee sign it. Evaluations must be reviewed by the City Recorder, who will place a copy in the employee's personnel file. New evaluations, major personnel status change, transfers, promotions, and demotions shall reset the appraisal cycle.

(d) Employees Covered: This section does not apply to Civil Service employees.

Sec. 157-32/157-33 Reserved

04/2001
158563.v2

Sec. 157-32 Disciplinary Procedure

(a) Policy: Normally, the behavior of City of Nitro (City) employees is exemplary. If an employee's behavior or attitude is causing performance problems or creating an unpleasant working environment, these procedures and processes are established to correct such behavior.

(b) Employee and Supervisor Responsibilities

(1) It is the duty of every employee to correct any faults in performance, including behavior, when they are called to his or her attention and to make every effort to avoid conflict with City and department rules and regulations.

(2) It is the duty of every supervisor to encourage quality performance by recognizing satisfactory and outstanding performance by employees.

(3) Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent.

(c) Steps of Disciplinary Progression: Discipline shall be, whenever possible, of an increasingly progressive nature. However, there are circumstances when it is inappropriate to use the normal progression steps of this procedure. The steps of disciplinary progression are a) verbal warning, b) written reprimand c) suspension and d) termination.

(1) Verbal Warning: Whenever grounds for disciplinary action exist, and the supervisor determines that a more severe action (or step) is not required or not yet warranted, the supervisor should verbally communicate to the employee the observed deficiency or violation and the expected correction. The fact of the reprimand should be recorded by the supervisor in writing, but not entered in the employee's personnel file. Sufficient time for improvement should be given to the employee before another step in the disciplinary process is taken. The improvement (or lack thereof) should be communicated verbally to the employee. The verbal warning is the first step of disciplinary action.

(2) Written Reprimand: The second step of disciplinary action is a written reprimand. Such a reprimand should be addressed to the employee, discussed with the employee and a copy given to the employee, and a signed copy must be delivered to the Recorder for inclusion in the employee's personnel file. The expected improvement or correction should be stated. At that time, a note should be made in the file of the previous verbal warnings. The date, time and content of the verbal warning should be included. Written reprimands will be removed from the employee's file two years from the date of issuance unless other deficiencies, violations or behavior problems are observed that require further disciplinary action.

(3) Suspension: A Supervisor, with the concurrence of the Recorder and the Mayor may suspend without pay a regular employee for up to, but not exceeding ten (10) calendar days as a disciplinary measure. Usually, this action follows the failure of the employee to correct or improve the observed deficiency and after the employee has been given a written reprimand for his/her failure. On or before the effective start date of the suspension, the employee and Recorder shall be furnished with a written statement setting forth the reasons for the suspension. A written record of the suspension together with related previous disciplinary actions shall be placed in the employee's personnel file before the suspension is complete. These written records will be removed from the employee's file two years from the date of issuance unless other deficiencies, violations or behavior problems are observed that require further disciplinary action.

(3) Termination: Certain employee misconduct may lead to immediate termination, including but not limited to:

- Disregarding the City's interest;
- Rule violations;
- Disregarding standards of behavior; and
- Conflicts of interest.

Before discharging an employee, the employee's supervisor must have the approval of the Recorder and the Mayor. A written letter stating the reasons for the termination must be sent to the employee with copies to the Mayor and Recorder. A suspension may precede a termination because it is used during the time of the investigation.

Types of conduct which may lead to termination include but are not limited to:

a. Refusal to comply with a lawful instruction unless such instruction is injurious to the employee or to the public's health or safety.
b. Insubordination.
c. Conviction of a felony while an employee of the City or a misdemeanor (including traffic violations) committed during the course of his/her employment, or any misdemeanor committed against the person or property of any City employee or against the property of the City.
d. Violation of safety rules, deliberate or careless conduct endangering the safety of the employee, other employees, or citizens.
e. Reporting to work under the influence of alcohol or narcotics, or using or partaking of or selling illegal drugs/alcohol while on the job.
f. Threats of or violent action against another employee, supervisor or a citizen while on the job.
g. Indulging in offensive conduct, including abusive language, toward another employee of the City, supervisor or a citizen.

h. Inducing or attempting to induce any employee to commit an unlawful act in violation of City regulations, official policy or departmental orders.
i. Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a City employee.
j. Incompetency, uncooperativeness, repetition of mistakes and inefficiency in the performance of job duties resulting in two consecutive unsatisfactory ratings on performance evaluations within six months.
k. Gross carelessness, negligence, or improper use of City property.
l. Theft or intentional destruction of City property.
m. Intentional falsification of employment applications, personnel records, time reports, or other City records.
n. Taking for personal use, from any person, any fee, gift, or other valuable thing in the course of his/her work or in connection with it.
o. Engaging in outside business activities on City time or using City property for such activity in violation of these rules,
p. Failure to maintain a satisfactory attendance record, including leaving the workplace without notifying the employee's supervisor.

(d) Right of Appeal: All employees, both fulltime and temporary, are granted the right to appeal disciplinary action. Within ten (10) days after the effective date of the disciplinary action, the employee may file a written appeal to the Mayor. Procedures for handling the appeal are identical to those in the Complaint Resolution Process, Section 157-51.

(e) Covered Employees: All City employees shall be governed by these policies and procedures except civil service employees.

04-2001
#148506.v4.

Sec. 157-33 Privacy and Search of City Property

(a) Policy: As a part of the City of Nitro's (City) commitment to protect employees and meet our citizens' need for governmental integrity, the City will, with reasonable cause, conduct searches to the extent deemed necessary to ensure secure City operations and safety in the workplace. As such, City employees should have no expectation of privacy around personal information and material held in or on City property. An employee's entry onto City property or workplace including the parking lots is deemed consent to an inspection of person, vehicle, and personal effects at any time. Authority to invoke searches will be vested with the Mayor and the Recorder. A decision to search will be based on "reasonable cause" considerations as defined below.

(b) Reasonable Cause: Reasonable cause constitutes a belief based on information that inappropriate material, including but not limited to weapons, drugs, alcohol, possession of City property, may be present.

(c) Employee Refusal: Employees who refuse to cooperate shall not be forcibly searched but will be informed that submission to a search is a condition of continued employment and that failure to comply will be grounds for termination.

(d) Search Procedure: Searches may be conducted by a Supervisor or Department Head, as designated by the Mayor or Recorder, accompanied by a witness. Searches may include lockers, desks, vehicles, personal effects from pockets, or handbags, etc. and shall be conducted with as much privacy and confidentiality as reasonably possible. There will be no physical contact with the employee(s) being searched.

An employee found to have inappropriate material in his/her possession will be subject to discipline up to and including termination.

(e) Privacy of Information Held on City Property and/or Equipment: City employees should have no expectation of privacy around personal information and material held in or on City property and/or City equipment.

04/2001
STB# 170029.v2.

Sec. 157-34 Outside Employment

(a) Policy: The work of the City shall have precedence over other occupational interests of full-time employees. All outside employment for salary, wages, or commissions, including military service and all self-employment, must be reported to the employee's department head. The City recognizes the rights of employees to work in their off-duty time as long as those activities do not adversely effect their City work, or represent a conflict of interest, or reflect discredit upon the City.

(b) Cautions: Employees are cautioned not to engage in outside work that impairs their physical or mental abilities to perform their City job responsibilities. Additionally, they are encouraged to work safely so as not to harm themselves or their ability to perform City tasks.

Sec. 157-35 Reserved

04/2001
150261.v2.

Sec. 157-36 Political Activity

(a) Policy: City employees are encouraged to consider participation in political campaigns, but only as a matter of personal choice. Participation in campaigns shall not be required of City employees.

(b) Candidates: City employees may not continue as City employees after becoming a candidate for nomination or election to any paid public office.

(c) Electioneering: Electioneering in any City office, building, or premises, by any City employee during working hours is prohibited.

(d) Solicitation: No City employee or any Council Member or other elected or appointed City official shall directly solicit or take any part in soliciting any political assessment, subscription, contribution, or service. No person shall solicit any such assessment, subscription, contribution, or service of any City employee. Employees found in violation of this article may be disciplined.

(e) State Codes: Section 157-36 is intended to be supplementary to applicable state codes and it is not intended to be in conflict with the applicable state codes.

04/2001
166660.v2.

Sec. 157-37 Solicitations

Procedures

(a) No City employee shall solicit pledges or contributions nor promote sales for any cause during working hours without written approval of such employee's Department Head, the Recorder, or the Mayor.

(b) Others shall not solicit employees for pledges, contributions, or enrollments during working hours, except those programs provided by the City as an employee benefit to all regular employees.

(c) Solicitations for optional programs for which the City provides the convenience of payroll deductions must take place outside the employee's duty time (i.e. during meal periods, or before or after work).

04/2001
150373.v2.

14

Sec. 157-38 Rest Periods and Breaks

(a) Policy: Because of variation in work schedules and needs among departments, the City does not define a uniform policy for rest periods or breaks in all departments or divisions. If feasible, a Department Head may allow up to two ten-minute rest periods per day, but circumstances may exist which make regular rest periods or coffee breaks impossible. Such rest periods are allowed entirely at the City's discretion, are not cumulative nor a right, and are subordinate to any City business that is occurring.

(b) Procedure: Department Heads may, subject to review of the mayor, establish appropriate rest period practices which will best serve the City interest in the work units under their supervision.

(c) Safety Concerns: Department Heads are encouraged to be knowledgeable and follow requirements concerning safety standards requiring rest periods during heavy physical labor and/or high temperature conditions.

04/2001
166709.v2.

Sec. 157-39 Gifts and Favors

Refer to state code.

Sec. 157-40 Nondiscrimination

City will follow all state and federal rules and regulations as related to nondiscrimination.

Sec. 157-41 Reserved

04/2001
150413.v1.

Sec. 157-42 Safety

(a) Policy: Work safety is the joint responsibility of the City and all City employees. All employees have the right to work in a safe occupational environment, and all employees have a duty to help create that environment.

(b) City Supervisory (Department Heads and Supervisors) responsibilities are:

(1) Providing safe work procedures, sites, and equipment.

(2) Implementing safety policies and programs.

(3) Training employees in safe work habits and procedures.

(4) Detecting and correcting unsafe work habits and procedures.

(5) Investigating work accidents and promptly submitting accident reports.

(6) Encouraging employees to report unsafe conditions and to submit suggestions for enhancing work safety.

(7) Maintaining their knowledge of newly required and suggested safe procedures in their arena of work.

(8) Motivating employees to work safely using appropriate methods ranging from incentives to discipline.

(9) Setting a good example of safe work practices by working safely.

(c) City Employee responsibilities are:

(1) Learning and maintaining safe work habits and procedures.

(2) Maintaining equipment and work sites in a safe condition.

(3) Using available safety equipment, such as hard hats, reflective vests, hardtoed foot gear, protective clothing, protective respiratory equipment, eye protection, hearing protection, warning signs, and similar equipment when appropriate.

(4) Avoiding unsafe practices, such as wearing loose clothing, rings, bracelets, and long hair around moving machinery, or working without shoring in an unsloped ditch.

(5) Promptly reporting all accidents and injuries and assisting in investigation of same.

(6) Reporting unsafe work conditions and practices promptly.

(7) Participating willingly in activities that will lead to a safer workplace.

Continued - - Sec 157-42 Safety

(8) Approaching the City work place with the appropriate mental and physical condition that will recognize unsafe situations so that injuries do not occur.

04/2001
166706.v2.

Sec. 157-43 Hours of Work

(a) Because of the essential nature of City work, some City jobs must be carried out 24 hours-a-day, every day. Some work requires being available on standby, or being asked to work overtime when necessary. Normal hours of work are generally designated as eight (8) hours per day; forty (40) hours per week for all groups of employees including; administrative, professional, clerical employees, police officers and dispatchers, and other employees.

(b) Days shall be calculated at the rate of 8 hours = 1 day for the purpose of this policy.

(c) This section does not apply to civil service fire department employees.

Sec. 157-44 Time Record Procedures

(a) Supervisors: Records of hours worked and leave taken shall be maintained by supervisory personnel for all employees under their supervision.

(b) Employees: Each employee shall sign or initial such records to verify their accuracy. All employees shall be responsible for maintaining personnel leave records.

Sec. 157-45 Reserved

Sec. 157-46 Surrender of Property

Policy: Any employee who is leaving the employment of the City, or who is suspended for a significant length of time, shall return all items of equipment, including uniforms, to his/her Department Head within (2) working days of time of termination or suspension.

Sec. 157-47 Confidential Information Procedures

(a) In order to insure that no official, employee, or private citizen uses confidential information concerning the property or affairs of the City to advance the financial or private interest of such person's self or others, no employee shall disclose confidential information concerning the property or affairs of the City government.

(b) Employees who violate the provisions of this article are subject to discipline up to and including termination.

Sec. 157-48 Privacy of Employee Records

(a) Policy: All Personnel Records of City employees will be treated as confidential, subject to the provisions of Sec. 157-10 Personnel Files and Records. Employees not adhering to this rule are subject to discipline up to and including termination.

04/2001
166640.v2.

Sec. 157-49 Travel

(a) Policy: Employees of the city will, from time to time, be involved in travel away from the City for City business, including attendance at business meetings, schools, and conferences. This section does not apply to routine daily travel. The following policies shall apply to all other travel.

(b) Approval and Review: All travel is to be done in accordance with the travel budget. Cash advance on travel expense may be permitted with approval of the City treasurer. Travel expense account forms will be filled out and submitted with legible receipts to the City treasurer for approval and reimbursement within five days of the last day of travel. The form used must show the detail of expenses incurred by day and will be summarized by day and by category as provided for on the form. The purpose of any travel will be defined on the report and such purpose will be sufficient to allow for a review of the necessity of such travel.

(c) Meals: Meals expenses shall be reimbursed only when out-of-town travel is involved and when the mealtime itself is the occasion of a business meeting.

(d) Transportation: The most economical means of travel shall be used, taking into consideration the employee's time as well the cost of transportation. Reimbursement for the use of employee's personal car will be at the rate allowed for income tax purposes by the IRS. Receipts for travel by airlines and other common carriers must accompany and verify the employee's expense report. Other transportation costs will be reimbursed on an incurred basis as substantiated by receipts.

(e) Lodging: Economical lodging shall be utilized, taking into consideration the location, prevailing cost and budgetary restriction.

04/2001
150470.v2.

Sec. 157-50 Training and Development

(a) Job-related training: Employees are encouraged to continually improve and update their skills through education and training. The City will attempt to assist this personal development for clearly job-related training and education as follows:

(1) to authorize leave with pay in order to attend classes,

(2) to pay fees, tuition and/or expenses, or

(3) to do both subsections (1) and (2) above.

The extent of City assistance will depend on the availability of funds and the City's needs for acquired skills. Reimbursement of fees, tuition and/or expenses may be subject to successful completion of training. The Mayor must agree to the requirements for reimbursement and approve this training specifically before registration for the intended program and/or course.

(b) Job-required training: Supervisors may require employees from time to time to receive training. The City will pay expenses related to this training. In those situations where an employee must work such employee's regular hours in addition to attending job-required training the following shall apply:

(1) The Mayor must approve training specifically.

(2) Training course time for which compensation is expected shall be for actual classroom hours (no travel time) beyond a 40 hour week, and

(3) Compensation should be done by use of compensatory time if possible, but if not, the Mayor and/or the Recorder can authorize payment on a classroom hour-for- hour basis (no overtime pay).

04/2001
150475.v2.

Sec. 157-51 Complaint Resolution Process for Non-Civil Service Employees

(a) Management Intent: The City believes that its employees are a valuable resource in providing services to the citizens of the community. Any question regarding a policy relating to individuals' work benefits begins a process by which employees may bring legitimate problems or concerns to the attention of management for resolution. The City encourages employees to discuss with their supervisors ideas, concerns, misunderstandings, or complaints which significantly affect their work or conditions of employment. The City hopes that free and informal communication between employees and their supervisors will successfully resolve most problems or complaints.

The complaint resolution process (CRP) is intended to:
(1) resolve employee problems and concerns,

(2) promote better understanding of policies, practices, and procedures,

(3) assure employees of fair, impartial and prompt responses to problems without fear of reprisal,

(4) promote a continuing sense of responsibility by supervisors for maintaining effective work relationships and conditions, and

(5) promote the well being of the city government so that it may deliver reliable, quality services to citizens.

A copy of the CRP shall be given to every employee so that such employee may be familiar with it.

(b) Non-retaliation: The City does not tolerate any form of retaliation against employees who avail themselves of the process. The process should not, however, be construed as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination, in circumstances where the City deems disciplinary action appropriate.

(c) Process: Recognizing that some problems may be resolved only after a more formal process of expression, the following procedure is established to insure fair and equitable adjustment of all employee complaints. This procedure is available to all non-civil service employees of the city regardless of funding and is designed to be completed within a 60-day period.

(Step 1) Verbal Discussion with Supervisor:
An employee shall first report a complaint to his/her immediate Supervisor. This report should ordinarily be made within seven days of the incident or action that created the problem. Within five calendar days following this initial report, the Supervisor will meet with the employee to discuss the complaint in an attempt to resolve the problem promptly and equitably. If the employee feels that the complaint has not been properly resolved

during this informal meeting, such employee may appeal in writing to the Department Head.

(Step 2) Appeal to Department Head:

An employee may request a hearing with the Department Head to appeal an unresolved complaint. This request must be made in writing within seven calendar days following the meeting with the employee's Supervisor.

The department head shall, if possible, schedule this hearing within seven calendar days of the request and notify both the employee and the employee's Supervisor of the date, place, and time.

At the hearing, the Department Head will hear all parties fully and make every effort to resolve the problem promptly and equitably. During the meeting, the Department Head may request a delay of seven days to gather more information before reaching a decision. In all cases, the Department Head should give a decision to the employee in writing within eight calendar days of the hearing. If a mutually satisfactory solution cannot be achieved, an appeal may be made to the Mayor. The employee should request the appeal in writing through the Department Head ordinarily within seven calendar days following receipt of the complaint decision from the Department Head.

(Step 3) Appeal to Mayor:

An unresolved complaint may be referred to the Mayor by forwarding a written report of the facts and issues. This summary shall be forwarded by the Department Head upon the request of the employee or supervisor within seven days of the request; they shall have an opportunity to review the report and add any additional information. After reviewing the report the Mayor shall schedule a hearing at the earliest possible date, within seven calendar days of receipt if possible, and notify the affected parties. Following the hearing at the Mayor's discretion, a special advisory committee may be appointed to make recommendations toward resolving the problem. The Mayor will issue a written decision, if possible, within ten calendar days of the hearing.

(Step 4) Appeal to City Council:

An unresolved complaint may be referred to the City Council:

(1) by the Mayor forwarding a written report of the facts and issues to the City Council,

(2) by the employee requesting review by the City Council within ten days of the Mayor's decision, or

(3) upon request of the City Council by majority vote.

After reviewing all of the attendant documents, the City Council may in its discretion schedule a hearing and the recorder shall notify all affected parties. The City Council shall notify the parties to the hearing within 30 days of the date of the hearing of its decision, and its decision in the matter shall be final.

Sec. 157-52/157-59 Reserved

04/2001
150476.v3

PERSONNEL STATUS CHANGES

Sec. 157-60 Personal Status Changes

(a) Promotion:

1) A promotion is a move to a position that has a higher pay range.

2) In filling vacancies, first consideration shall be given to promotion of qualified employees from within City service. In the absence of candidates from within City service who meet the education, training, experience, and other standards to be promoted, vacancies may be filled by outside candidates.

3) Qualification for promotion shall be based on job-related experience, skill, training, knowledge, ability, past performance, and expected ability to perform in the higher position.

4) The decision to promote an employee should be made jointly by the Mayor, the City Recorder and the Department Head of the employee's current department.

(b) Transfer:

1) A transfer is a move from one department, division, or work unit to another department or division.

2) Employees may be transferred temporarily or permanently from one department, division, or unit to another to allow maximum utilization of manpower, cope with peak workloads, improve work relationship, or otherwise serve the best interest of the City. A temporary move is one that last less than 181 calendar days.

3) Transfers to existing vacancies may be arranged upon consent of the affected Supervisors and the Mayor. If transfer is initiated by the City, the employee will not be penalized (in pay or seniority issues).

4) The decision to transfer an employee should be made jointly by the Mayor and the City Recorder or the Department Heads of the employee's current and future departments.

(c) Demotions:

1) A demotion is a move to a position that may have a lower pay range.

2) Employees may be demoted as a result of an employee-requested transfer or disciplinary action.

3) The decisions to demote an employee should be made by jointly by the Mayor and the City Recorder or the Department Head of the employee's current department.

(d) Pay reduction: A pay reduction is a reduction of pay within a pay range.

(e) Lay-off:

1) A lay-off is a separation from employment because of an organizational change, lack of work, lack of funds or other change.

2) An effort will be made to place any employee subject to lay-off in any other suitable vacant position, provided there is an ability to perform the work, or on a reduced work schedule.

3) When a lay-off(s) becomes necessary, consideration will be given to each employee's performance and seniority, and the needs of the City in determining which employees will be retained.

4) The decisions to lay-off an employee(s) should be made jointly by the Mayor and the City Recorder or the Department Head of the employee's current department.

(f) Resignation:

(1) Resignation is a voluntary termination of employment; advance notice to the City is requested if possible. The City has a substantial investment in the development and work of its employees, each of whom occupies an important job in the City's service. Employees voluntarily resigning their position in the City service should, as a matter of responsibility and courtesy, give the City adequate and written notice of their plans. Adequate notice of two weeks is requested where possible.

(2) The Mayor may waive the City's rights to such notice when such waiver would be in the best interests of the City.

(g) Dismissal:

(1) Employees who are not performing their duties satisfactorily or who engage in misconduct shall be informed of the deficiencies in their performance and, to the extent possible, shall be advised of the corrective actions necessary to perform satisfactory work. Notification to the employee is encouraged, and a written record of same shall be entered in the employee's personnel record. Failure to correct deficiencies in work performance or misconduct may result in dismissal or other actions in order to insure that municipal business is conducted by competent and efficient employees. If corrective action would not suffice to improve performance or cure the misconduct, the City in its sole discretion may elect to discontinue the employee.

(2) Temporary and part time employees may be terminated with or without reference to deficiencies in performance or conduct at the discretion of the City and without prior notification.

(3) Employees who fail to meet the standards set forth in the policy manual, specifically Section 157-30 (d), General Responsibilities and Conduct, are subject to corrective action and discipline up to and including dismissal.

(4) The decisions to dismiss an employee should be made jointly by the Mayor and the City Recorder or the Department Head of the employee's current department.

(h) Covered Employees: This Article does not apply to civil service employees.

Sec. 157-61/157-79 Reserved

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CLASSIFICATION AND PAY

Sec. 157-80 Position Classification Plan

(a) The position classification plan shall include a description of each full-time position title being utilized by the City. The Mayor is responsible for administration, maintenance and periodic updating of this plan. Employees are invited to review their position descriptions in order to enhance understanding of their jobs and assist in keeping the plan current.

(b) The Mayor shall make or cause to be made position classification studies of individual positions or groups of positions whenever the duties and responsibilities of existing positions have significantly changed or new positions are to be created. Department Heads are responsible for advising the Mayor of the possible need for classification plan, revisions or additions through submission of position review requests.

(c) Creation of new position classifications shall be approved by City Council.

Sec. 157-81 Pay Plan

(a) The pay plan is a companion to the position classification plan which assigns pay ranges to each position. Each position in the play plan shall be assigned a minimum and maximum rate of pay.

(a) Development: Pay ranges for each classification shall be determined based on the relative responsibilities and qualifications of the various positions.

(b) Adoption: The pay plan must be approved by the City Council. An updated pay plan will ordinarily be recommended by the Mayor as an accompaniment to the budget each year, and the Mayor may recommend new plans or amendments on other occasions if deem necessary for effective personnel administration.

Sec. 157-82 Starting Pay

(a) Basic policy: The pay rate of an employee newly entering City employment will normally be minimum pay for the position to which appointed.

(b) Training pay: The City may, because of inability to recruit fully qualified applicants, desire to allow unskilled applicants an opportunity for In-service development. Employees in a trainee status shall continue to receive their current pay until qualified for the new position.

(c) Qualification from Training Rate to Regular Rate of Pay: The Department Head shall be approve qualification for a regular rate of pay before that regular rate of pay is started for

Sec. 157-90 Vacation Leave

(a) Leave benefit: Non-Civil Service Employees on permanent salary and hourly wage payrolls, including those under civil service, shall not be eligible for vacation with pay during the first year of employment but shall be eligible for a vacation with pay as follows in this Section 157-90 (a).

After one year - one week
After two years - two weeks
After five years - three weeks
After ten years -four weeks

(b) Leave benefit: Civil Service employees, employed by the City before 8/1/01, shall be eligible for vacation leave as detailed in this Section 157-90 (b). All other Civil Service employees will be eligible for vacation as detailed in the above Section 157-90 (a).

After one year - two weeks
After two years - three weeks
After five years - four weeks.

(c) Vacation year: For the purposes of this policy, an employee's vacation year begins with the employee's hire date and anniversaries thereafter. An employee is eligible for vacation leave on his or her hire date anniversary after completion of the required City employment service.

(d) Taking leave: The City believes that periodic vacations are beneficial to an employee's health and productivity. Employees are therefore encouraged to take vacations annually. Vacation leave should be taken within the year the vacation is earned. Employees will be paid for any earned vacation leave not taken within the time required. Seniority will be used to determined priority when more than one employee asks for vacation leave at the same time.

(e) Exceptions: If circumstances do not allow vacation to be taken in the year earned, all unused vacation must be taken in the first quarter of the following year. Any vacation not taken by April 1 of the following year will be paid before April 1 of the following year.

There may be current employees that have unused vacation in excess of these rules. These employees have until December 31, 2003 to take this excess vacation or be paid for it.

(f) Initial Use of Leave: Vacation leave may be taken as earned, but normally shall be approved in more than minimal amounts.

(g) Leave Compensation at Termination: Employees who leave the City service in good standing shall be paid for earned vacation leave for the current year that has not been used before the final date of employment.

(h) Payment to Estate: Upon the death of an employee, all earned but unused vacation leave (through the day of death) for the current year shall be paid to the employee's beneficiary.

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the employee. A record of that approval shall be kept in the employee's permanent personnel file.

Sec. 157-83 Reserved

Sec. 157-84 Regular Rate of Pay

The regular rate of pay is that pay rate which the employee receives for employment at 40 hours per week or less. Regular pay does not include special pay, overtime pay, bonus or gift pay.

Sec. 157-85 Overtime Rate Pay

(a) Overtime Pay Rate is defined as one and one half times the Regular rate of pay.

(b) Overtime pay is paid for all hours per week worked in excess of 40 hours worked.

(c) These rules and definitions are written to be in agreement with WV State Code § 21-5C-3. If there is disagreement, the State Codes shall have precedence.

Sec. 157-86 Regular Weekly Schedule

The pay week starts and ends at midnight Sunday night (12:00AM Monday morning), for purposes of setting the regular and overtime rates of pay. Regular hours (40 hours or less per week) do not include meals and/or parties.

Sec. 157-87 Pay Periods

The city currently has 26 pay periods, paydays on every other Wednesday beginning with the second Wednesday of each year.

Sec. 157-88/157-89 Reserved

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Sec. 157-91 Paid Sick Leave

Policy: Paid Sick Leave: Full time employees who become disabled and unable to work due to sickness, accident, pregnancy or childbirth are eligible for sick leave with pay (accrued from their sick leave credit) for up to 90 days. This benefit, under Sec.157-91-e, runs concurrently with the unpaid Family Medical Leave Act (FMLA) benefit detailed in Sec.157-92 Unpaid Sick Leave.

Procedures

(a) Eligibility:

(1) He or she must be on the permanent payroll working more than 30 hours/week and have two (2) months of continuous employment.

(2) He or she must be continuously unable, for medical reasons, to perform the duties of his or her employment.

(3) He or she reports an absence and the cause of the absence to the supervisor as soon as is practical after the start of the disability.

(4) A physician's written statement (verification) is required for all absences of three (3) consecutive days or more of disability.

(5) Immediately upon return to work, an employee shall furnish a written statement from the attending physician for all consecutive days of sick leave taken. The physician's statement shall specify the period of incapacity and state that the employee was unable to perform his job.

(6) The absence is due solely to a non-occupational disability.

(b) Benefits will begin on the first day of absence due to illness or injury provided the requirements of subsection (a.5) hereof have been met. Any day an employee works three or more hours will be considered a day worked and shall not be considered a day of disability. Payments will only be made for days, which would normally be worked if the employee performed his or her regular work schedule.

(c) For the purposes of this Section, Sick Leave of absence benefits are defined as;

(1) return to the same or an equivalent job following the disability,

(2) sick leave credit (regular pay) as discussed in this policy.

(d) Payments will cease when the attending physician certifies the employee is able to return to work, or at the end of the maximum period to which the employee is entitled, or until the employee ceases active employment, whichever occurs first.

(e) Sick leave of absence credit will be accumulated at a rate of one and one-fourth day per month, not to exceed 90 days, maximum. Days gained more than this amount are not counted for any benefit. This benefit begins to accrue after two (2) months of continuous permanent employment.

(f) Days shall be defined for purpose of this section as 8 hours.

(g) Sick leave of absence shall only be used when the employee is disabled (or sick) enough as to not be suited for City work that day. In case of a question, the employee should initiate discussion with their physician and/or Supervisor to determine suitability for work.

(h) Sick leave of absence is not compensable. No employee shall be compensated for accrued sick leave as separation pay. Employees shall lose all health leave credit upon separation. Sick leave may not be taken after an employee's last workday without medical verification. Employees terminated due to a reduction in force shall be eligible, if rehired within two years, for full restoration of previously accumulated sick leave.

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Sec. 157-92 Unpaid Sick Leave

Policy

(a) The City will grant excused absence, without pay for Sick Leave (normally the time between the time paid leave days [sick leave credit and vacation] are used and the time the employee is able to return to work, to a total maximum of 12 weeks).

(b) The City will not discriminate against employees because of the approved use of Family Medical Leave or a proper request for such leave.

(c) Family Medical Leave is available for an employee with a serious health condition, or to care for a family member with a serious health condition, for example for the birth of a child.

(d) Family/Medical Leave Of Absence: The FMLA leave of absence from work is without pay for a specified period of time up to a maximum of 12 weeks subject to the procedures detailed below.

Procedures

(a) Eligible employees may be entitled to Family Medical Leaves of absence if they are unable to come to work due to pressing family or medical concerns as described within this Unpaid Sick Leave of Absence Policy, which shall be administered in accordance with applicable state and federal laws as follows:

(b) Employees are eligible if they have been actively employed for twelve (12) months, and worked at least 1250 hours (an average of twenty-five (25) hours per week) during the preceding twelve (12) months.

(c) Employees may request one (1) or more family care or medical leaves, however, the total amount of leave taken cannot exceed twelve (12) work weeks in any twelve-(12) month period, beginning with the first day of the FMLA leave. The City designates that the twelve-month period begins with the first day of the designated FMLA leave and runs for one continuous calendar year thereafter. The employee may request an intermittent leave or reduced schedule leave to care for a seriously ill family member or for the employee if he or she has a serious health condition that warrants such a request.

(d) A Family Medical Leave shall be granted upon the birth or adoption of a child of the employee, or upon the serious health condition of the Employee or the employee's child, spouse, or parent.

(e) In appropriate circumstances, the City may require the employee to be examined by a city-designated physician, at the City's expense.

(f) In the event of a serious health condition to the employee or his/her child, spouse, or parent, creating a need for unforeseeable family or medical leave, the employee must provide the City with notice, as soon as practicable, of any needed time off, and a written doctor's certificate. The certification must include the date on which the health condition occurred, the probable duration of the condition, an estimate of the amount of time the employee needs to be off work to care for the family member or for the employee's own health condition, and confirmation that the nature of the condition warrants the employee be away from work to care for him/her self or their dependent. The certification must be provided within 15 days of the start of the time off.

(g) Employees shall be required to give thirty (30) days advance notice in case of a foreseeable medical treatment. To assist in arranging work assignments during the absence, prior notice is required, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of the expected return date.

(h) For purposes of this policy, a child is defined as a natural, adopted, or foster child, a stepchild or a legal ward. If the child is over eighteen (18), he/she must be unable to care for himself/herself due to a serious illness.

(i) A parent is defined as the employee's or his/her spouse's natural, adoptive, or foster parent, stepparent, or legal guardian an individual who stood in loco partis when he/she was a son or daughter and excludes parent-in law.

(j) A Serious Health Condition is defined, in part, as a disabling physical or mental illness, injury, impairment, or condition involving 1) inpatient care in a hospital, nursing home, or hospice; or 2) outpatient care requiring "continuing treatment or supervision by a health care professional". These regulations contemplate in-patient care for the latter alternative or recurring absences of "more than a few days for treatment or recovery." In the cases of both the employee and the family members, the regulations require that the absences from work or school or incapability in performing other daily activities be for a period of more than three (3) days in addition to requiring the continuing treatment by a health care provider.

(k) Leave of absence rights available under the City's paid sick leave of absence policy shall be counted towards the total time off available under this section. An FMLA leave runs concurrently with the paid sick leave benefit.

(l) An FMLA leave that relates to the birth or adoption of a child must be completed within twelve (12) months of the birth or adoption.

(m) Upon completion of a leave granted under this section, the employee shall be reinstated to his or her original position, or an equivalent one.

(n) If, due to medical circumstances, the employee is no longer able to perform his/her original job, the City will attempt to transfer her/him to alternate suitable work, if available and if he/she is able to perform the available work.

(o) The employee must use all but 10 days of vacation or other paid time off during Family Medical Leave. An employee may designate all vacation time to be used as part of the FMLA leave but must do so in writing to his/her supervisor before the 10 day limitation (specified above in this paragraph) is reached. If the leave is related to a serious health condition, the employee must use any sick leave during medical leave.

(p) While on a leave of absence provided for under this policy, the City will continue group health insurance benefits under the same terms as provided to other employees, for up to a maximum of twelve (12) weeks leave during any one (1) year period. If the leave extends beyond twelve (12) weeks, an employee shall be offered the opportunity to purchase continuing coverage under state and federal COBRA continuation rules. An employee is responsible for making required payments on a timely basis. If an employee does not make payments, she or he will be provided the base coverage.

(q) Other accumulated fringe benefits such as retirement, service credits, sick pay, vacation pay, shall be preserved at the level accrued as of commencement of the leave, but shall not accrue further during any such leave period.

(r) During a period of disability, an employee may be eligible for disability pay benefits. Please refer to the applicable plan documents for details on eligibility, benefit amounts, and other particulars.

(s) If additional Family Medical Leave is required an employee must, prior to expiration of the Family Medical Leave, submit additional certification to the City.

(t) Spouses who are both employed by the City are entitled to a joint total of twelve (12) weeks' leave (rather that 12 weeks each) for the birth or placement for adoption or foster care of a child, or for the care of a sick parent. For any other qualifying FMLA reason, each spouse will be entitled to the full 12 weeks of FMLA leave, or that portion of leave remaining in the relevant 12 week period.

Attachments (4)
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Attachment: Notification Of Family Medical Leave For Serious Health Conditions.

TO: _____
(Employee's Name)

FROM: _____ DATE: _____
(City of Nitro Official)

You have a right under the Family/Medical Leave Act (FMLA) for up to 12 weeks of leave due to a Serious Health Condition, in a continuous12 month period beginning with the first day of the Serious Health Condition. Also, your health benefits must be maintained during any period of FMLA leave under the same conditions as if you continued to work and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. Your rights and obligations under the FLMA are more fully described in the attached FMLA Fact Sheet.

This is to inform you that:

1. You are eligible/may be eligible for leave under the FMLA commencing _____.

2. The requested leave will be counted against your annual leave entitlement.

3. You will/will not be required to furnish medical certification of a serious health condition. The required medical certification must be furnished by_____ (15 days from the date of this notice) or the commencement of your leave may be delayed until certification is submitted.

4. If you meet and continue to meet the requirements of the Sick Leave Plan, this leave will be paid under the terms of that Plan. You may elect to substitute paid vacation for any unpaid FMLA leave.

5. Your health insurance will be continued. If the leave is unpaid then, you will be required to continue the premiums for your health insurance. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows:

- You will have a minimum 30 day grace period in which to make premium payments. If payment is not timely, your group health insurance may be canceled, provided that you will be notified at least 15 days before the date that your health coverage will lapse.

6. You will be required to present a fitness for duty certificate prior to being returned to work.

7. While on leave you will be required to furnish periodic reports to your Supervisor every _____ days of your status and intent to return to work. If the circumstances of your leave change and you are able to return earlier than expected, you will be required to notify us at least 2 work days prior to the date you intend to report to work.

8. You will be required to present recertification relating to your condition every 30 days if the condition described in the previous certification has changed significantly, there is reason to doubt the stated reason for absence, you request an extension of the leave, or the incapacity specified in the previous certification is more than 30 days.

9. Failure to meet the duties and obligations will result in a loss of FMLA benefits. If you have any questions, please contact me directly.

Attachment: REQUEST FOR FAMILY/MEDICAL LEAVE OF ABSENCE

Employee's Name: _____

Current Address _____
_____
_____

Social Security Number: _____/_____/_____

Does your spouse also work for the City of Nitro?_____

Anticipated start date of leave: _____

Anticipated return to work date: _____

Reason for taking leave: (check one)

- The birth of a son or daughter of the employee (leave must be taken within 12 months of the birth).
- The adoption or foster care placement of the child of the employee (leave must be taken within 12 months of the birth).
- To care for the spouse, son, daughter, or parent because such spouse, son, daughter or parent has a serious health condition.
- Due to a serious health condition that makes the above-named employee unable to perform the functions of his or her position.

If the leave is to be taken immediately or on a reduced workweek, it will be taken according to the below schedule: _____
_____

If the leave request is based on an employee's serious health condition or the serious health condition of an employee's spouse, child, or parent it must be accompanied by a medical certification from a health care provider. I hereby authorize a health care provider representing the City to contact my health care provider to authenticate the reason for my Family/Medical Leave.

I agree that my failure to return to work at the end of the leave may be regarded as a resignation. The City may grant an extension of the leave in writing.

Employee's signature: _____ Date: _____

Supervisor's signature: _____ Date: _____

Certification of Health Care Provider

(Family and Medical Leave Act of 1993)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

1. Employee's Name

2. Patient's Name (if different from employee)

3. The attached sheet describes what is meant by a **"serious health condition"** under the Family and Medical Leave Act. Does the patient's condition[1] qualify under any of the categories described? If so, please check the applicable category.

(1) ____ (2) ____ (3) ____ (4) ____ (5) ____ (6) ____, or None of the above ____

4. Describe the **medical facts** which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5.a. State the approximate **date** the condition commenced, and the probable **duration** of the condition (and also the probable duration of the patient's present **incapacity**[2] if different):

b. Will it be necessary for the employee to take work only **intermittently or to work on a less than full schedule** as a result of the condition (including for treatment described in Item 6 below)? _____

If yes, give the probable duration:

c. If the condition is a **chronic condition** (condition #4) or **pregnancy**, state whether the patient is presently incapacitated[2] and the likely duration and frequency of **episodes of incapacity**[2]:

6.a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments:

If the patient will be absent from work or other daily activities because of **treatment** on an **intermittent** or **part-time** basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:

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[1] Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

[2] **"Incapacity,"** for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

c. **If a regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7.a. If medical leave is required for the employee's **absence from work** because of the **employee's own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform work** of any kind?_____

b. If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (the employee or the employer should supply you with information about the essential job functions)?_____ If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. applies, is it necessary for the employee to be **absent from work for treatment?**

_____

8.a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation?_____

b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery?_____

c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable **duration** of this need:

_____ _____

(Signature of Health Care Provider) (Type of Practice)

_____ _____

(Address) (Telephone number)

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

_____ _____

(Employee Signature) (Date)

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, **or** for a condition that **would likely result in a period of incapacity[2] of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

A **"Serious Health Condition"** means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity[2] or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity[2] of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity[2] relating to the same condition), that also involves:

(1) **Treatment[3] two or more times** by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; *or*

(2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment**[4] under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care.**

4. Chronic Conditions Requiring Treatments

A **chronic condition** which:

(1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and

(3) May cause **episodic** rather than a continuing period of incapacity[2] (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **incapacity[2]** which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider.** Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

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3 Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

4 A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Sec. 157-93 Military Service Leave

Refer to West Virginia State Code, (generally Chapter 15, § 1.)

Sec. 157-94 Workplace Injuries:

(a) The Employee must report the injury to his/her Supervisor within eight (8) scheduled work hours of the injury. See Sec.157.42.c.5.

(b) The Supervisor of the injured employee must investigate within one week of the time of the injury, particularly the circumstances surrounding and potentially causing the injury.

(c) The Supervisor of the injured employee must have a written report giving the background facts, the cause of the injury, and the suggested methods to prevent further injuries given to the Mayor within two weeks of the time of the injury.

Sec. 157-95 Reserved

Sec 157-96 Civil Leave

Refer to state code.

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Sec. 157-97 Holidays

(a) Each full-time regular employee eligible for holiday benefits shall receive a day off and a regular day's pay on the following holidays to be observed by the City government.

(1) New Year's Day
(2) Martin Luther King's Birthday
(3) Lincoln's Birthday
(4) Washington's Birthday
(5) Veterans Day
(6) Columbus Day
(7) Memorial Day
(8) West Virginia Day
(9) Independence Day
(10) Labor Day
(11) Thanksgiving Day
(12) Christmas Day

(b) The holidays will be observed on the dates established in WV Code 2-2-1. In addition, 1) a national, state or local election throughout the City where the election is held will be recognized as a legal holiday and 2) any day proclaimed or ordered by the Governor as a day of special observance or a day of general cessation of business will be recognized as a legal holiday.

(c) When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday. When a holiday falls on a Saturday, the previous Friday shall be observed as the official holiday. If an employee engaged in shift work is required by the work schedule to work on a holiday or the holiday falls on an employee's scheduled day off, the employee shall be given a compensatory day off as soon as possible. Employees shall not be paid for holidays instead of actual leave except in circumstances of City operational need and hardship approved by the Mayor. Holiday pay may be denied to employees who are absent without approved leave preceding or following a holiday.

(d) Civil service employees shall be covered by WV Code § 8-14-2A and/or § 8-15-10A as applicable.

REMARKS:
Added special days declared by governor and appropriate election days.

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Sec. 157-98 Bereavement Leave

(a) Employees are entitled to time off with pay to attend the funeral of relatives who have died.

(b) The employee will receive, upon request, up to a maximum of three (3) calendar days off without loss of straight time earnings.

(c) The following requirements must be met to receive this benefit.

(1) Relationship to the employee: The employee must be related to the deceased in one the following manners; father, mother, brother, sister, spouse, child, father-in-law, mother-in-law, grandparent, or grandchild of an employee or employee's spouse1 or legal guardians of employee or spouse,

(2) The employee must be a full time, regular employee.

(3) Timing of benefit use may only begin with the day of the death or end at 8:00 a.m. the day following the funeral.

(4) The city may require the employee to furnish proof of the death.

(5) Calendar days shall be defined for purposes of this section as scheduled eight-hours.

Sec. 157-99/157-111 Reserved

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CITY OF NITRO

COUNCIL MEETING MINUTES

SEPTEMBER 18, 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 Robertson and City Treasurer Ralph Allison.

Mayor Casto invited Colonel Slaughter to bring the Nitro High School Color Guard to Council Meeting this evening to present the colors and asked everyone to please stand. After everyone participated in the PLEDGE of ALLEGIANCE, Councilwoman at Large Brenda Tyler read the 23rd PSALM.

THE INVOCATION WAS GIVEN BY MAYOR RUSTY CASTO.

AGENDA ITEM NO. 1 - APPROVAL OF 8-21-01 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MINUTES OF 8-21-01 BE APPROVED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED, WITH COUNCILMAN AT LARGE RICHARD SAVILLA AND COUNCILMAN HARRY MILLER, III ABSTAINING.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto announced the September citizen of the month is Virginia Miller, Grandmother of Councilmen David and Harry Miller, III. Councilman David Miller informed that she has pneumonia, but probably by next Tuesday she will be able to come to the meeting. There was a 100th birthday party held at the St. Paul's United Methodist Church, and Councilman David Miller thanked Councilwoman Brenda Tyler who coordinated this event. Everything went well.

AGENDA ITEM NO. 3 - NITRO HIGH SCHOOL PARADE REQUEST: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. The City Recorder Joan McClanahan said she received a request from Nitro High School to have their Homecoming Parade on September 28, 2001 starting at 5:45 p.m. The route will begin from Park Avenue to Plant Road onto First Avenue, onto 21st Street, turn right on Second Avenue, turn right on 11th Street and go down Park Avenue onto Underwood Field. CITY RECORDER JOAN MCCLANAHAN MOVED THIS REQUEST BE GRANTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

COUNCILMAN DAVID MILLER MOVED A SMALL PORTION OF 20TH STREET BY THE FOUNTAIN BE BLOCKED OFF THIS SUNDAY, SEPTEMBER 23 FOR THE CHURCH OPEN HOUSE FROM 11:00 A.M. TO 2:00 P.M. SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 4 - BALZOUT CONTRACT: - Members of Council were furnished a copy of the contract from Balzout. Councilwoman at Large Brenda Tyler said the only question she had regarding the contract was the second paragraph where it says the City shall be responsible for any and all liability imposed by law and for deaths, injury or damage to property of any person including, not limited to, the workman employees. City Attorney April Robertson said she just received the contract, and Balzout lawyers were unaware that his client was drafting their own contract. She said she re-wrote their attorney's original draft and sent it back to their attorney. COUNCILMAN HARRY MILLER, III MOVED AFTER THE CITY ATTORNEY APRIL ROBERTSON CLEARS THE CONTRACT, THE MAYOR BE GIVEN AUTHORITY TO SIGN IT, SECONDED BY COUNCILMAN JOE SAVILLA. After a discussion, COUNCILMAN HARRY MILLER, III WITHDREW HIS MOTION AS DID COUNCILMAN JOE SAVILLA WHO SECONDED THE MOTION. COUNCILMAN HARRY MILLER, III MOVED TO TABLE THIS AGENDA ITEM UNTIL THE NEXT MEETING, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - CALENDAR BIDS: - COUNCILMAN HARRY MILLER, III MOVED WE PUT THE 2002 CALENDAR OUT FOR BID, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 6 - REPAIR GARBAGE TRUCK: - Mayor Casto yielded the floor to the City Recorder. The City Recorder Joan McClanahan advised she spoke with the Director of Public Works A. J. Hill this afternoon and we have two major problems. The transmission of one of our garbage trucks is gone; it is beyond repair. The transmission will cost approximately $4,000. The salt has eaten the bed, even into the cab, out of the 3/4 ton pickup truck that we used to spread salt. The frame is also bent, and it cannot be repaired. With winter so near, this is something else we need to address. She asked the City Treasurer for guidance. The Treasurer Ralph Allison responded that we allowed $19,000 a year for equipment repair and suggested they get the transmission. He suggested we table the question of the salt truck until the middle of October. COUNCILMAN HARRY MILLER, III MOVED WE ACCEPT THE TREASURER'S RECOMMENDATION, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 & 8: - RESOLUTIONS - TURNPIKE CHEVROLET AND RETIREES: - City Attorney April Robertson recommended we go into executive session to discuss these items. No action taken.

AGENDA ITEM NO. 9 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She said we were scheduled to have the second reading on the false alarm ordinance. It has been published in the newspaper accordingly. She informed that because of the rescheduling of the meeting we did not get it in the paper fast enough to have the second reading until next week. However, we can have the second reading of the ordinance regulating the repair, closing, demolition, etc. of dwelling or buildings unfit for human habitation. COUNCILMAN HARRY MILLER, III MOVED THE CITY ATTORNEY READ TITLE ONLY,

SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. City Attorney April Robertson read title of ordinance amending and readopting the municipal code of the City of Nitro, West Virginia by adding Sections Article 11.29 Regulating the Repair, closing or demolition of dwellings or building unfit for human habitation. COUNCILWOMAN BRENDA TYLER MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE 01-11 ATTACHED.

City Attorney April Robertson said for Councils consideration she drafted a Noise Control ordinance. She informed that what makes this ordinance different from the one we already have is primarily that it's not just a suggestive measure. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. After the reading of the title, COUNCILMAN HARRY MILLER MOVED FOR THE APPROVAL OF THE FIRST READING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA, AND WAS CARRIED.

AGENDA ITEM NO. 10 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison informed that several weeks ago we had a power outage which really put the Fire Department and Police Department at a disadvantage. He said both departments have had this requested in their budget for the last ten years. City Treasurer Ralph Allison requested permission to get two emergency generators costing less than $5,000 each. COUNCILMAN HARRY MILLER, III MOVED PERMISSION BE GRANTED TO PURCHASE TWO GENERATORS, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE, AND WAS CARRIED.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Mayor Casto reminded everyone of the Council Meeting next Tuesday at 7:30 p.m.

Councilman Harry Miller, III commented that we should pray for the people in New York who are excavating the debris.

Councilman Bobby Miller said he would like to see more people, Council and otherwise at the new bike track. He said he has been at the track everyday since the first load of dirt.

Councilman David Miller said they had a discussion about the school crossing guards, and at the last meeting we gave money to Nitro Elementary School to partially fund their crossing guard and he would like to see money reinstated for both crossing guards. He advised the police department agreed to take this money from their budgeted training fund for the safety of our children. COUNCILMAN DAVID MILLER MOVED WE HIRE A SCHOOL CROSSING GUARD AT 40TH STREET, SECONDED BY HARRY MILLER, III AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN AND COUNCILWOMAN AT LARGE BRENDA TYLER OPPOSING.

Councilman David Miller said they have a copy of the Sanitary Board Minutes, and MOVED THEY BE MADE A PART OF THE COUNCIL MEETING MINUTES, SECONDED BY A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman Harry Miller reported on the discussion of the Committee. They are in the process of soliciting Engineering firms to reach the long range goal CSO plan as per DEP's regulations. They have had discussions with DEP.

SANITARY BOARD MINUTES ATTACHED.

Councilman A. A. "Joe" Savilla commented we should all be constantly praying for our President, our leaders in Washington and especially the men and women of the Armed Forces.

Mayor Casto invited Ernie Smith and his son, J. R. To bring Council up-to-date on the BMX Track. Mr. Smith reported they have 100 new members and attendance has been very good. Mr. Smith also thanked Bob & Betty Smith for all their help.

City Recorder Joan McClanahan informed Council that the BMX Parent Group is operating the concession stand at the track and has generously agreed to donate 25% of the profits to the City.

COUNCILMAN HARRY MILLER, III MOVED WE GO INTO EXECUTIVE SESSION TO DISCUSS THE LITIGATIONS OF TURNPIKE CHEVROLET AND THE POLICE AND FIRE RETIREES, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 8:03 P.M.

OUT OF EXECUTIVE SESSION AT 8:30 P.M.

In response to a question of the annexation, City Attorney April Robertson said once she took a look at the law, and when it occurred, we were operating under the old law, and didn't appear the City had a good case. If the City's remedy was to go back to the Kanawha County Commission and petition them again for a rehearing for consideration of their decision, they would now be operating under the new law. Discussion followed.

Councilman Harry Miller, III tendered his resignation as Chairman of the Annexation Committee. He said he didn't have time at present to put the amount of time and effort that this committee deserves, because he is spending a lot of time working with the Sanitary Board..

Councilman David Miller nominated Councilman at Large Tim Sizemore to the Annexation Committee, seconded by Councilman A. A."Joe" Savilla. Councilman at Large Tim Sizemore accepted the position, and it was unanimously approved.

Mayor Casto said they are going to need a third person on this committee, and asked if they knew someone to let him know prior to asking the person as he may already have someone.

Mayor Casto said they had a picnic for RC & D this afternoon and he made a pitch for $25,000 for the playground and A. J. Hill, Jr. made a pitch for rock around the lake. Mayor Casto said he feels we will end up getting both of them.

Mayor Casto said he contacted the New York City Salvation Army and they will let him know next week if they will need him to come up there and work for them.

Councilman A. A. "Joe" Savilla asked if everyone appreciated the information our Police Chief furnishes, and it was agreed they did.

COUNCILMAN HARRY MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE, AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. City Attorney April Robertson read title of ordinance amending and readopting the municipal code of the City of Nitro, West Virginia by adding Sections Article 11.29 Regulating the Repair, closing or demolition of dwellings or building unfit for human habitation. COUNCILWOMAN BRENDA TYLER MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE 01-11 ATTACHED.

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Councilman David Miller said they have a copy of the Sanitary Board Minutes, and MOVED THEY BE MADE A PART OF THE COUNCIL MEETING MINUTES, SECONDED BY A. A. "JOE" SAVILLA AND WAS CARRIED.

52

ORDINANCE NO. 01- 11

AN ORDINANCE AMENDING AND RE-ADOPTING THE MUNICIPAL CODE OF THE CITY OF NITRO, WEST VIRGINIA, BY ADDING A SECTION TO ARTICLE 1129 REGULATING THE REPAIR, CLOSING, OR DEMOLITION OF DWELLINGS OR BUILDINGS UNFIT FOR HUMAN HABITATION.

WHEREAS, the City of Nitro declares the necessity and convenience to regulate the repair, alteration or improvement, or the vacating and closing or removal or demolition, or any combination thereof, of any dwellings or other buildings unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions prevailing in any dwelling or building, whether used for human habitation or not, and which would cause such dwellings or other buildings to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare; and

WHEREAS, the City of Nitro desires to provide fair and equitable rules of procedure and any other standards deemed necessary to guide an enforcement agency, or its agents, in the investigation of dwelling or building conditions, and in conducting hearings.

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 1129, which section shall read as follows:

Sec. 1129.11 PROCEDURES FOR THE REPAIR, CLOSING, OR DEMOLITION OF BUILDINGS UNFIT FOR HUMAN HABITATION.

(a) The City shall create an enforcement agency consisting of the mayor, the municipal engineer or building inspector and one member at large, to be selected by and

to serve at the will and pleasure of the mayor. The ranking health officer and fire chief shall serve as ex officio members of such enforcement agency. It shall be the duty of the enforcement agency to cause inspections to be made from time to time within the City to determine whether any dwellings or other buildings are unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions, whether the building is currently occupied or not. Any entrance upon private premises for the purpose of making examinations to aid in the enforcement of this section shall be made in such a manner as to cause the least possible inconvenience to the persons in possession: Provided, That this section shall not be construed as purporting to authorize and unreasonable search and seizure prohibited by §6, article III of the Constitution of this State.

(b) The owner or owners of any dwelling or building under determination of the state fire marshal, as provided in §29-3-12 of the West Virginia Code of 1931, as amended, or under order of the City's enforcement agency shall pay for the costs of repairing, altering, or improving, or of vacating and closing, removing or demolishing any dwelling or building. The City shall also have the right to file a lien against the real property in question for an amount not to exceed the assessed value of the property as recorded in the office of the county assessor, or to institute a civil action in a court of competent jurisdiction against the landowner or other responsible party for all costs incurred by the City with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action.

(c) Not less than ten days prior to instituting a civil action as provided for in this section, the City Council shall send notice to the landowner by certified mail, return

receipt requested, advising the landowner of the City Council's intention to institute such action. The notice shall be sent to the most recent address of the landowner of record in the office of the assessor of the county where the subject property is located. If, for any reason, the notice is returned without evidence of proper receipt, then in such event, the City Council shall cause a legal advertisement to be published once a week for three successive weeks in a newspaper of general circulation in the county wherein the subject property is located and post notice on the front door or other conspicuous location on the subject property.

(d) In the event any landowner desires to contest any demand brought forth pursuant to this section, the landowner may seek relief in a court of competent jurisdiction. The landowner shall have the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause. In the event such application is made, a hearing thereon shall be had within twenty days, or as soon thereafter as possible, and the court shall enter such final order or decree as the law and justice may require.

(e) All orders issued by the City's enforcement agency shall be served in accordance with the law of this state concerning the service of process in civil actions, and shall, in addition thereto, be posted in a conspicuous place on the premises affected by the complaint or order.

The addition of the provisions of this Ordinance shall not affect the validity of the remaining, undisturbed portions of Article 1129.

Passed on first reading: 21st day of August 2001.

Adopted on second reading: 18th day of September 2001.

Mayor

Joan McClanahan
City Recorder

MINUTES OF THE MEETING
OF THE
JOINT COMMITTEE OF CITY COUNCIL AND SANITARY BOARD

Counties of Kanawha and Putnam, West Virginia

August 14, 2001

THOSE ATTENDING: Members: Harry Miller, David Miller, Arden Ashley, B.S. Saluja, Kim Painter, Joe S. ville (absent). Danny L.Lewis, Ralph Laton, Ivan Meadows

CALL TO ORDER: Meeting was brought to order by Mr. Ashley. Mr. Ashley stated that the first order of business he would like to recommend Mr. Harry Miller as Chairman of this committee.
Mr. David Miller seconded and motion was passed.

DISCUSSION: Chairman Miller started off by saying we have no agenda for this meeting. He said there are a few items that needs discussed. Chairman Miller said first we need to discuss the CSO plan and basically, the rate increase needed to finance the project. Chairman Miller turned the floor over to Mr. Lewis to go over the numbers needed for the project.
Mr. Lewis introduced Mr. Ralph Laton to the committee as the Sanitary Boards accountant. Mr. Lewis said that Mr. Laton will explain the rate increases.
Mr. Laton handed out a paper outlining the proposed increases. He said the total increase would be 39% over the present rates. He said each increment would increase the rates 13% until we reached 39%. Mr. Laton said the question is when the final increase will need to be in place .
Mr. Ashley ask if this increase is the same as the proposed increase by the Sanitary Board for this project. Mr. Lewis said there must be some changes to the project. He said decisions must be made in the Blakes Creek area and some other items. Mr. Lewis passed out a handout showing projected prices for extending a sewer line to the Blakes Creek area, a price for a large equalization tank at the treatment plant for storm water holding, and prices for a generator at the plant so operations can continue while power is out. Mr. Lewis said this project requires a crew to smoke, test, clean lines, seal manholes and various other duties.
Mr. Laton said the staffing of the project is included in the increase.
Mr. Lewis said decisions will need to be made on Blakes Creek, equalization tank and the generator.
Mr. David Miller ask when we approached the people up at Blakes Creek area on annexation, did we have funding in place. Mr. Lewis said it was his understanding there was, but it did not work out.
Chairman Miller then started outlining the Blakes Creek Project problems and ask Mr. Lewis to correct him if need be. He said first there was the impression given by Union PSD that Nitro would be able to receive all of the effluent from the Marketplace, that's not going to happen. He said it was also predicated on more development which does not look like is going to happen anytime soon.
Chairman Miller said the last issue is the deferred payment plan, which is not going to happen.
Chairman Miller said that we as a City has promised these people sewer service so we are going to have to supply them one way or another.
Everyone then discussed the problems with no answers.
Mr. Saluja then told everyone that he has been in touch with DEP. He said that we need to make sure we know what DEP wants before we spend this much money. He said at this time we need to wait and find out what will be required of Nitro before any decisions are made. Mr. Saluja said at that time we will make the decisions for CSO issues as well as basement flooding.
Chairman Miller said he would rather plan on spending more money to get a definitive conclusion, if need be.
Mr. David Miller said one of the main concerns on City Council was when the new interceptor was ran before, they were told it would take care of the flooding problems on 21ST Street. He said it did not change anything.

Mr. Ashley said that he agrees with Mr. Saluja. He said that what ever we come up with as recommended solutions, we need to factor into the dollars enough to do the job right.
Mr. Ashley said the only bright spot is the 0-1/2% interest bonds we can receive. He ask how long do we have with this low interest money. Mr Laton said the money is availably as long as you meet the criteria, and the State does not run out of money, which they have not in the past. He said he cannot predict the future. Mr. Lewis said it his understanding that there is no guarantee for this money.
Chairman Miller said he had a question that Mr. Lewis could answer. He said he has been told by Grady Lowe, a DEP representative, that our permit will not be renewed unless we do this project.
Mr. Lewis said that is his understanding also. Mr Saluja said he may be able to address this. He said our permit is under review at this time. Mr Saluja said he spoke with DEP today and was told they are waiting on what goes into the permit as language on the CSO issues. He said October 26, 2001, our permit runs out and when that times comes, DEP has two alternatives. Number one is to extend the deadline and give us more time. Number two is to put some kind of tentative language in there.
Mr. Saluja said he was told they were hoping to have something ready by mid September. He said at that time when they have a draft ready,they will advise us and then we as the City can review the permit, and comment on our permit.
Mr. Painter ask if we are the only system out of compliance. Mr. Saluja said no, there are many systems. Mr. Painter said that is my point, we are incumbered to try and comply, but at the same time several other communities out of compliance, so enforcement upon this system could be questioned. He said our attorney would have some grounds to fight if necessary. He said to force this system into an 8.7 million dollar project while other communities are out of compliance as well, is not good. He said we are talking about self funding an 8.7 million dollar project that most communities does not even begin to do. He said no one funds this much on there own. Chairman Miller said St. Albans and Dunbar just went through this. Mr. Lewis said St. Albans and Dunbar spent around 16 million each.
Chairman Miller said it his understanding there is a possibility of a third party lawsuit, like the American Canoe Association. Mr. Saluja said that is a possibility. He said it is his understanding that if the agency gives us a permit, and gives us a time line to complete the CSO, then that possibility minimized, to the best of my knowledge.
Mr. Ashley said where he thinks we have an edge, there are a lot of communities who's back is against the wall, who is getting the same message we are getting, but the one thing in our community is we have a joint committee with a first meeting tonight. He said we are establishing our mission, and believes there is a clear indication that we are willing to move swiftly in the direction that would be acceptable to them. He said as long as we stay on tract, then we can stay ahead of the bear. He He said it may eat some of the others, but we do not want to trip along the way. He said it is important we define the mission and carry it out as quickly as possible.
Mr. Saluja said we want to comply with DEP regulations, but we need to know what to comply with.
Mr. Saluja said when we know what it is we are complying with, then we need adequate amount of time to comply. He said there is time for planning, design, construction and there is time for putting all this money together. Mr. Saluja said his recommendation to the committee is to wait and find out what DEP wants, then see if it fits in with our plan of work on what we are wanting to achieve.
Mr. Saluja said we want to comply with the CSO regulations and work on the basement flooding problems at the same time.
More discussion took place on different options with no results.
Mr. Ashley made the motion to go into executive session. Mr. Saluja seconded and motion was passed.
Chairman Miller said the meeting is back in open session. Chairman Miller said that we feel that we have gone as far as we can at this meeting. Chairman Miller said we would like to schedule a meeting on August 29, 2001 at 7:30pm in the council chambers. He said he will have Joan McClanahan notify the proper people in the City so the open meeting laws are complied with.

ADJOURNMENT: Mr. Ashley made the motion to adjourn. Mr. Saluja seconded and motion was passed.

Member, Harry Miller	Member, David Miller	Member, Joe Seville
Member, Art Ashley	Member, B.S. Saluja	Member, Kim Painter

CITY OF NITRO

COUNCIL MEETING MINUTES

SEPTEMBER 25, 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 and 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.

Mayor Casto asked everyone to please stand for the PLEDGE OF ALLEGIANCE.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 18, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF THE SEPTEMBER 18, COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. COUNCILMAN DAVID MILLER MOVED THAT UNDER AGENDA 11 SENTENCE BE AMENDED TO READ COUNCILMAN BOBBY SMITH SAID HE WOULD LIKE TO SEE MORE PEOPLE, COUNCIL AND OTHERWISE AT THE NEW BIKE TRACK. Councilman Bobby Smith also brought this to the City Recorder's attention. City Attorney requested word be changed in sentence on page 3, second paragraph correcting to read "She informed that what makes this ordinance different from the one we already have is primarily that it's not just a subjective measure." A VOTE WAS TAKEN TO APPROVE THE AMENDED MINUTES AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - POLICE/FIRE DEPARTMENT FUND-RAISER - Mayor Casto yielded the floor to Chief Jack Jordan. Chief Jordan informed that the Police and Fire Departments are putting together a fund-raiser for the families of the Policemen and Firemen in New York City that lost their lives. He said they are getting a large response back from a lot of people in the community. He said they have talked with people as far as Huntington and Charleston; they are attempting to get everyone involved in this fund-raiser. Chief Jordan informed that the Police and Firemen were out at the entrance of Wal-Mart Saturday, and they collected $19,600. A lot of people are making direct donations to the Huntington Banks. He advised the fund-raiser will be held October 6, 2001 from 10:00 a.m. - 10:00 p.m. There will be live entertainment all day. They will block off 21st Street, and will sell funnel cakes, hot dogs, hamburgers, popcorn and other items. They are getting an overwhelming response from as far away as Pt. Pleasant. Cathy Mattea's Father has cancer, but she will try to be here for this event. A big round of applause was given Chief Jordan. Councilman Harry Miller, III said it is an impressive stack of money. It took 3 ½ hours to count it. Councilman at Large Tim Sizemore helped count during the last hour.

Chief Jordan said it will take a lot of volunteers to have this event. Some of the senior

citizens are going to help, the Womans Club, and some church youth groups will help.

Mayor Casto told Council they might want to consider flying our flags at half mast as they are allowed to do this.

AGENDA ITEM NO. 3 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. The City Attorney April Robertson said we have two ordinances for second reading this evening. One was delayed from last week on the false alarms. COUNCILMAN HARRY MILLER, III MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. City Attorney April Robertson read title only, "Establishing a business and residential alarm registrations 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 DAVID MILLER MOVED WE ADOPT THE ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE 01-12 ATTACHED.

At the last meeting we had the first reading of the ordinance on noise control. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE ATTORNEY READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. City Attorney April Robertson read title only, "The City finding that excessive levels of sound are detrimental to the physical, mental and social well being of the residents of the City as well as to their comfort, living conditions, general welfare and safety, hereby declares it to be necessary to provide for the greater and more effective regulation of excessive sounds through the adoption of this article. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

ORDINANCE 01-13 ATTACHED.

Mayor Casto asked about the contract with Balzout, and the City Attorney April Robertson said her feeling on that at this point is that the two parties cannot seem to come to an agreement on the written indemnification and hold-harmless agreement. However, Scott Cable, from Balzout has suggested the donation of the materials be given to the city to erect itself. Then there wouldn't be any need for a written agreement. Mayor Casto asked about the concrete bowl they were going to build, and the City Attorney said she didn't know anything about that. She said she feels that the contract Balzout submitted is not best for the city, and they are not willing to sign the agreement she drafted. It seems that this is a compromise that would suit everybody's needs. The City would get what they want in terms of having a skateboard park for the children. If Mr. Cable is still willing to donate the skateboard ramps which she thinks he has available to him to give to the City, and perhaps some people from the Public Works Department can put them in place. In return for his donation of these ramps, it would still be appropriate for the City to give him the opportunity to place a sign with the company name on it. In terms of a notice regarding helmets, instead of encouraging users to wear helmets, a change that users are required to wear helmets.

AGENDA ITEM NO. 4 - RALPH ALLISON: - Not Present.

Mayor Casto informed Council that the City Treasurer Ralph Allison told him that he was definitely going to resign as Treasurer at the end of October. Council has a big decision on filling his shoes. We need someone in here by the middle of October so they could get a hand on things before he leaves. Mr. Allison said he would be willing to serve as an advisor to the new treasurer. After a short discussion, a Committee Meeting was scheduled Monday, October 1, at 7:00 p.m. in the Mayor's office. Councilman David Miller said Ralph has done a good job, and Councilman at Large Tim Sizemore said this would be a tough pair of shoes to fill.

AGENDA ITEM NO. 5 - MAYOR'S COMMENTS: - Councilwoman at Large Brenda Tyler reported we received a $7,500 grant from the Greater Kanawha Valley Foundation to go toward our playground. We have reached around $50,000 as of this date. Her goal is to have this money in and begin construction in the Spring. She said she wanted to incorporate this into the pool area and improve the pool along with the park. She said in receiving these grants, they have asked that we make the community aware of these donations. She said she spoke with the Mayor and Recorder, and once the playground is up, we need to put something permanent in that facility naming especially the Kanawha County Commission, Dow Chemical, the Greater Kanawha Valley Foundation and other groups that contribute. She advised that the Womans Club will be working on this project and the Nitro Moose have expressed an interest.

Mayor Casto said they ordered a thermometer with amounts from 0 to 85,000 to put on the site and as money is received they will color it in.

Mayor Casto said a letter on the selling of bricks for the sidewalk will be going out probably after the fund-raiser for the police and fire.

Councilman David Miller thanked Councilwoman Brenda Tyler on all her hard work. She said it had been a challenge, but one she has enjoyed working on.

City Attorney April Robertson requested we go into a short executive session. COUNCILMAN HARRY MILLER, III MOVED WE GO INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION 8:00 P.M.
OUT OF EXECUTIVE SESSION 8:10 P.M.

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

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 01- 12

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.

WHEREAS, the City Council of the City of Nitro, West Virginia, has determined that there is a large number of business and residential alarms within the City; and

WHEREAS, the City Council has been advised that the number of false alarms within the City is increasing; and

WHEREAS, the City Council has determined that said false alarms are adding an increased burden on the Police Department and expense on the City; and

WHEREAS, the City Council has determined that it is necessary and desirable and in the best interests of the City to adopt regulations governing said business and residential alarms.

THEREFORE, BE IT ORDAINED, by the City Council of the City of Nitro, that the Municipal Code will be amended as follows:

ALARM SYSTEM REGISTRATION

Section 1. Definitions. As used herein, capitalized terms shall have the meanings set forth below:

"Alarm system" shall mean equipment designed to signal an illegal entry or other activity to which the Police Department is requested to respond to silent or audible alarm, but does not include an automobile alarm.

"Alarm user" shall mean any person, company, or other entity whose business premises or residence are protected by an alarm system within the City of Nitro.

"False alarm" shall mean an alarm not resulting from an unauthorized entry, robbery or where no other crime was committed or attempted at the premises. An alarm caused by power failure shall not be deemed a false alarm unless the power outage lasts longer than the alarm system's battery backup. A false alarm does not include an alarm that activates during violent weather.

"Reporting period" shall mean each 12-month period described in the first sentence of Section 3 below.

Section 2. Alarm System Registration. An alarm user shall register its alarm system with the City of Nitro by completing a registration application prepared by the Nitro Police Department for such purpose in accordance with this section, and filing such application with the Nitro Police Department.

Registration shall be free and must be renewed on or by July 1 of each year. Notwithstanding general penalties set forth in this Ordinance, an alarm user who fails to register an alarm system or renew a registration after receipt of three written notices from the Nitro Police Department of the obligation to do so shall thereafter be subjected to a fine of $100.00 on each occasion on which such alarm system records a false alarm and remains unregistered or has not been renewed.

The registration application shall provide the Nitro Police Department with a record of the company or firm that installed the alarm system, the names and telephone numbers of contact people or key holders to call when an alarm is activated, and information concerning the maintenance and inspection of the alarm system. The registration application shall also confirm

whether the alarm system includes an audible alarm or siren, and, if so, whether such alarm system has an automatic 15-minute shutoff switch. The alarm user shall notify the Nitro Police Department of any changes in any information set forth in its application within 30 days of each such change. Notwithstanding the general penalties set forth in this Ordinance, each such failure to notify the Nitro Police Department of such changes shall result in a $100.00 fine.

Section 3. False alarm; penalties. The Nitro Police Department shall maintain records regarding false alarms for each alarm system for consecutive 12-month periods initially beginning on the date the alarm system is registered.

After an alarm system is registered, the alarm user owning such alarm shall be fined $100.00 upon the occurrence of the third false alarm recorded by such alarm system during any reporting period. Subsequent reports of false alarms shall result in fines according to the following schedule: $150.00 for the fourth false alarm; $200.00 for the fifth false alarm; $250.00 for the sixth false alarm; and $250.00 for each false alarm thereafter.

Passed on first reading: SEPTEMBER 18, 2001

Passed and adopted on second reading: SEPTEMBER 25, 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

ARTICLE 508
Noise Control

508.01 DECLARATION OF POLICY.

The City finding that excessive levels of sound are detrimental to the physical, mental and social well being of the residents of the City as well as to their comfort, living conditions, general welfare and safety, hereby declares it to be necessary to provide for the greater and more effective regulation of excessive sounds through the adoption of this article.

508.02 DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Construction" means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action.

(2) "Continuous sound" means and denotes a sound the intensity of which remains essentially constant during a given period of time. Continuous sound shall be measured by the slow response setting of a sound level meter.

(3) "DBA (decibel-A-weighted)" means sound pressure level as measured on the "A" scale of a sound level meter manufactured in accordance with the specifications of the American National Standards Institute, Inc. (ANSI), Type 2, ANSI-S1.4 (1971), calibrated within two hours of being used for measurement. Unless otherwise noted, measurements shall be made in the slow response mode of the meter.

(4) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

(5) "Decibel (dB)" means a unit of sound pressure, equal to twenty times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals (20 micronewtons per square meter).

(6) "Daytime" denotes the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays, Sundays and local legal holidays.

(7) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

(8) "Emergency signal device" means any audible warning device, such as a gong, whistle or siren or any air horn or any similar device.

(9) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(10) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

(11) "Mobile source" means any moving sound source on a public right of way.

(12) "Motor vehicle" means as defined in the Traffic Regulation Code of the State of West Virginia, or any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies, all-terrain vehicles or racing vehicles.

(13) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a trailer.

(14) "All-terrain vehicle (ATV)" means any motor vehicle designed for off highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

(15) "Nighttime" means those hours excluded from the definition of "daytime".

(16) "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause adverse psychological effect on humans.

(17) "Noise disturbance" means any sound which:

A. Endangers or injures the safety or health of humans or animals; or

B. Annoys or disturbs a reasonable person of normal sensitivities; or

C. Endangers or injures personal or real property; or

D. Exceeds the applicable maximum permissible sound levels as they appear in the table in Section 508.05 of this article.

(18) "Noise sensitive zone" means any area designated for the purpose of ensuring exceptional quiet and shall include schools and churches while the same are in use, any hospital and any nursing home; provided, that conspicuous signs are displayed on the exterior realty of any such school, church, hospital or nursing home which clearly notifies a member of the general public of its use.

(19) "Person" means any individual, corporation, partnership firm or any legal successor, representative or agent of the foregoing.

(20) "Public right of way" means any street, avenue, boulevard, highway, alley, sidewalk or public space which has been dedicated for use by the general public and the dedication of which has been accepted by the appropriate governmental entity.

(21) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but it does not include intra-building real property division.

(22) "Small power equipment" means any motorized or engine powered device, including but not limited to lawn mowers, lawn and garden tools, riding lawn tractors and power saws, excluding other motor vehicles.

(23) "Sound" means vibratory disturbance (including an oscillation) in the pressure and/or density of a liquid or gas or in the particular displacement of a solid or liquid. Such disturbance takes place at a rate between approximately 20 and 20,000 hertz (cycles per second); and the physiological perception of such a vibration or displacement.

(24) "Sound amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound. Sound amplifying equipment as used herein shall not be construed as including standard automobile radio when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

(25) "Sound level" means that which is measured with the "A" weighting network on a sound level meter unless otherwise specified.

(26) "Sound level meter" means the instrument, meeting the requirements of ANSI S1.4-1971 Type II rating, used for making sound level measurements.

(27) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(28) "Sound pressure level" means the intensity in decibels (dB) of a sound.

(29) "Stationary source" means any sound source operating or occurring on any public or private property, not including a public right of way.

(30) "Weekday" means any day Monday through Friday which is not a legal holiday.

(31) "Zoning district" means and refers to the scheme of land use classification contained in the Nitro Planning and Zoning Code Part 13.

508.03 LOUD AND UNNECESSARY NOISES PROHIBITED.

No person shall make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the City.

508.04 CERTAIN LOUD AND DISTURBING NOISES ENUMERATED.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of Section 508.03, but such enumeration shall not be deemed to be exclusive, namely:

(a) **Animals and Birds.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(b) **Defect in Vehicle or Load.** The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(c) **Domestic Power Tools.** Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower, small power equipment or similar device used outdoors in residential areas between the hours of 9:00 p.m. and 8:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

(d) **Drums.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(e) **Engine Repair and Testing.** It shall be unlawful for any person to repair, rebuild or test any engine so as to create a noise disturbance.

(f) **Brakes and Exhaust.** Compression release type engine braking systems that produce a distinctive staccato sound, as well as modified or defective exhaust systems such as straight stacks or gutted mufflers, that emit more than 80 dBa as measured at 50 feet. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) **Horns and Signaling Devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

(h) **Loudspeakers/Public Address System.**

(1) Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.

(2) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or between the hours of 8:00 p.m. and 10:00 a.m. the following day on a public right of way or public space.

(i) **Radios, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

(1) Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by "appropriate authority" according to criteria set forth in Article 315 of the Municipal Code of Nitro);

(2) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right of way or public space, or in a boat on public waters; or

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(j) **Yelling and Shouting.** Yelling, shouting, whistling, hooting or generally creating a racket on public rights of way or public spaces between the hours of 8:00 p.m. and 10:00 a.m. the following day so as to annoy or disturb the quiet, comfort or repose of persons in any business or residence, or of any person in the vicinity.

508.05 MEASUREMENT AND CONTROL OF NOISE.

(a) **Noise Prohibited.** No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth herein unless such noise be reasonably necessary to the preservation of life, health, safety or property.

(b) **Measurement and Control.** It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible Sound Levels" when measured at any point within any other property affected by the sound. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in slow response, A-weighting, except in the case of impulsive sound which shall be measured with an impulsive sound level meter, ANSI S1.4-1971. Octave band measurements, where noted, shall be made with an octave band analyzer.

MAXIMUM PERMISSIBLE SOUND LEVELS FROM STATIONARY SOURCES

Zoning District	Time of Day	Continuous Sound (dBA)	Impulsive Sound (dBA)
All Residential PRO O-I	All	60	80
All Business	All	65	90
All Industrial	All	70	110

508.06 APPLICABILITY OF ARTICLE.

The provision of this article shall not apply in using any of the sound equipment mentioned and described herein where such equipment is being used for civil defense or in the event of a disaster or other emergency or is being used by any governmental agency or at any public meeting.

508.07 EXCEPTIONS AND SPECIAL WAIVERS.

(a) **Exceptions.** The following uses of an activity shall be exempt from noise level regulations:

(1) Noise of safety signals and warning devices.

(2) Noises resulting from any authorized vehicle, when responding to an emergency.

(3) Noises resulting from the provisions of municipal services.

(4) Any noise resulting from activities of a temporary duration permitted by law and/or for which a waiver has been granted by the City.

(5) The unamplified human voice (except as specified in Section 508.04(j)).

(6) Parades and public gatherings for which a special waiver has been issued.

(7) Bells, chimes, carillons while being used in conjunction with religious services, or for national celebrations or public holidays.

(b) **Exemptions For Time To Comply.** Upon good cause shown by the owner or responsible party for any noise source, the Mayor shall have the power to grant an

exemption from the requirements of this article in order to allow sufficient time for installation of needed control equipment, facilities or modifications to achieve compliance, not to exceed thirty days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the Mayor.

(c) **Use Exemptions.** The following uses and activities shall be exempt from noise level regulations:

(1) Lawn maintenance equipment when it is functional within manufacturer's specifications and with all mufflers and noise reducing equipment in use and in properly operating condition between the hours of 8:00 a.m. and 9:00 p.m.

(2) Nonamplified crowd noises resulting from the activities such as those planned by day care centers, schools, governmental or community groups.

(3) Amplified announcements, electronically amplified announcements at athletic or special events from 8:00 a.m. to 12:01 a.m.

(d) **Special Waivers.**

(1) The Mayor shall have the authority, consistent with this article, to grant special waivers, provided, that no live bands shall be allowed in single family residence zoning districts.

(2) Any person seeking a special waiver pursuant to this article shall file a written application with the Mayor. The written application shall contain information which demonstrates that bringing the source of sound or activity for which the special waiver is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or for another purpose.

(3) In determining whether to grant or deny the application, the Mayor shall balance the hardship to the applicant, the community and other persons of not granting the special waiver against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of granting the special waiver.

(4) Special waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The special waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the special waiver shall terminate it and subject the person holding it to those provisions of this article regulating the source of sounds or activity for which the special waiver was granted.

(5) The Mayor may issue guidelines defining the procedures to be followed in applying for special waivers and the criteria in declaring whether to grant a special waiver.

(e) **Social Gatherings and Parties.**

(1) Any person who is planning a social gathering or party at which it is anticipated that the noise levels will exceed those set forth in Section 508.05 herein may file a written application with the Mayor for a special waiver from such noise levels.

(2) Any person seeking such a special waiver shall indicate in his or her application to the Mayor the specific reason why he or she will not be able to meet the established noise levels. The applicant shall also include a written statement that he or she has personally contacted all residents of

properties within 400 feet of the property in question and none oppose the special waiver being requested. For purposes of the preceding sentence, an applicant will also be required to notify and receive permission from the applicant's landlord, if the property in question is a rental property.

(3) Should the applicant be granted a special waiver pursuant to this subsection, it will be subject to the condition that any such special waiver will expire at 10:00 p.m. on Sunday through Thursday evening and midnight on Friday and Saturday evenings.

508.08 ENFORCEMENT.

(a) Any person who violates any portion of this article shall receive a verbal order to cease and abate the noise immediately or within a reasonable time period, except that after 8:00 p.m. and until 8:00 a.m. any person designated to enforce this article need not issue a verbal order to cease or abate the noise before charging any person with a violation of this article.

(b) If the order to cease or abate the noise is not complied with, or is complied with and then violated again within sixty days, the person or persons responsible for the noise under Section 508.03 shall be charged with a violation of this article and be subject to the fines provided in Section 501.99.

508.09 CONFLICTS.

In any case where a provision of this article is found to be in conflict with any provision of the Municipal Code of Nitro existing on the effective date of this article, the provision which establishes the more stringent standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this article is found to be in conflict with any other provision of the Municipal Code of Nitro existing on the effective date of this article which established a less stringent standard for the promotion and protection of the health and safety of the people, the provision of this article shall prevail; and such other provisions are hereby declared to be repealed to the extent that they may be found in conflict with this article.

508.99 PENALTY; VIOLATIONS DEEMED NUISANCES.

Any person violating any of the provisions of this article shall be punished in accordance with Section 501.99, general Code penalty, if no specific penalty is provided. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such

As an additional remedy, the operation or maintenance of device, instrument, vehicle or machinery in violation of any provision of this article, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Adopted the 25th day of September, 2001.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

OCTOBER 2, 2001

Mayor Casto welcomed everyone 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, Councilman at Large Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and City Treasurer Ralph Allison.

Mayor Casto asked everyone to please stand for the PLEDGE OF ALLEGIANCE.

THE INVOCATION WAS GIVEN BY COUNCILMAN BOBBY SMITH.

AGENDA ITEM NO. 1 - APPROVAL OF SEPTEMBER 25, 2001 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2001 BE APPROVED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto informed he would announce the October Citizen of the Month Saturday.

AGENDA ITEM NO. 3 - DATE FOR TRICK OR TREAT: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan informed the Kanawha County Commission designated October 30, for Trick or Treat night. CITY RECORDER JOAN MCCLANAHAN MOVED NITRO DESIGNATE TUESDAY OCTOBER 30, 2001 FOR TRICK OR TREAT FROM 6:00 P.M. TO 8:00 P.M., SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 4 - PLANNING COMMISSION MEETING MINUTES: - Members of Council were furnished a copy of the minutes, and discussion followed. Councilman at Large Tim Sizemore said he feels the petition from the residents abutting Cedar Street and the request from Frank Bailey to abandon a five foot strip of land adjoining his property we should cease without any action and include these for street paving in our next years budget. Regarding the Oxley request, Councilman Sizemore said we are either going to have to take care of the street which is now maintained by Mr. Oxley or do something else. Mayor Casto said he would like to write down our recommendations and send them to the Planning Commission for their opinion. City Recorder Joan McClanahan commented the Planning Commission did give their opinion on Mr. Bailey and Mr. Oxley's request, but not on Cedar Street. Mayor Casto said as far as the Oxley request is concerned, he thinks on the map the actual public street kicked off to the left and goes over to 31st Street to the property of Roland Cook. Mayor Casto said he thinks this is a private street. Councilman Harry Miller, III said there are two roads and the creek comes down. He said there is a road that is cut virtually in half on the left hand side and he is 99% certain that the city right-of-way is at the top of the hill and breaks over onto 31st Street, East. Mayor Casto said also there is a cemetery up there. COUNCILMAN HARRY MILLER, III MOVED THIS MATTER BE TABLED UNTIL WE CLARIFY IF OXLEY'S ROAD IS THE CITY'S RIGHT-OF-WAY, AND

ALSO HOLD OFF ON ANY PAVING PLANS UNTIL WE HAVE OUR NEXT BUDGET MEETING, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

Councilwoman at Large Brenda Tyler advised Mr. Bailey wanted the 5 foot strip so that he could get a clear deed to his property so that he can leave it to his children. Councilwoman Tyler said we have the business on one side and Mr. Bailey on the other, with Fir Street coming up the middle that leads from Main Avenue to the Railroad. Councilwoman Brenda Tyler said neither one of the two people want to give on this, but both people have 5 feet of the City's property. She recommends that both parties get their 5 ft., but the middle be left alone. This way neither one can close it in and it doesn't shut off access to either property. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED BOTH PEOPLE BE GIVEN 5 FEET OF PROPERTY (PROPERTY THEY ARE ALREADY USING, ONE HAS A FENCE ON IT AND THE OTHER HAS A SIDEWALK) AND THE MIDDLE OF THE STREET BE LEFT ALONE IF THEY ARE AGREEABLE TO PAY ALL EXPENSES FORTHCOMING AND CHARGES ALREADY PAID BY THE CITY, SECONDED BY COUNCILMAN BOBBY SMITH. City Attorney April Robertson mentioned the applicable issue of allocation of cost and if both parties would be willing to split the cost of having it surveyed because it will have to be surveyed. Councilman Harry Miller said he didn't have a tremendous problem with Councilman Brenda Tyler's suggestion, but it rewards people for encroaching on City rights-of-way. City Attorney April Robertson said we should give some thought to Councilman Miller's point that we could get inundated with a lot of requests to do exactly this and deed over strips of land that people are already encroaching on. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TO WITHDRAW HER MOTION THAT BOTH PEOPLE BE GIVEN 5 FT OF PROPERTY THEY ARE ALREADY USING UNTIL FURTHER STUDY, AS DID BOBBY SMITH WHO SECONDED THE MOTION. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE TABLE THIS REQUEST, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto asked the Building Inspector to check with the two property owners to ascertain if they wanted to pay the cost involved or remove the fence and carport and sidewalk.

Mayor Casto advised the Planning Commission is still working on the Cedar Street petition, and we will wait until they make their recommendation and address this matter then.

PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 5 -APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. City Attorney April Robertson said she had an ordinance for Councils' consideration. COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. City Attorney April Robertson read title only, "Ordinance of the City of Nitro to Annex by Minor Boundary Adjustment a Contiguous Parcel of Land Known as the Republic Container Property in Union District, Kanawha County, into the Present Corporate Limits of the City of Nitro, West Virginia." COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE FIRST READING OF ORDINANCE BE APPROVED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Mayor Casto said he went down to Balzout this morning and in the last two weeks they have made 225,000 American Flag tee shirts. Mayor Casto asked Councils' feelings on having

him and the Attorney to come up with a contract so they can get started on the skate park. Councilman Harry Miller, III said as he recalls, Council already gave permission for the City Attorney April Robertson and the Mayor to neogiate a contract and bring it back to Council for their consideration. Councilwoman at Large Brenda Tyler said she feels there is a misunderstanding in the contract from Balzout. She said she thinks what they are trying to say is that once they build the skateboard park, it belongs to the City and we accept liability for it. The way the contract was written is they were asking the city to take the liability for the workers. Her question was were they talking about the workers that are actually going to be over there building the skate park or are they talking about anybody that might be overseeing the skateboard park after it is built. Councilman Harry Miller,III said that after it is built it would not be a consideration. Mayor Casto said that he was told by our insurance agent that they could not put their workers on us. Councilman at Large Tim Sizemore said unless they are on our payroll, they can't be covered by our insurance anyway. Councilman Harry Miller, III said they are not asking to be on our insurance, they are saying that if someone is injured and sues Balzout then we would have to compensate Balzout for the damages is his understanding. City Attorney April Robertson said that at the last meeting, we discussed Mr. Cable's offer to donate the material and have the City construct it. She asked if the Mayor's discussion with him got into that option. Mayor Casto said they are building the ramp now, but they are swamped with work, they haven't been able to get up here and get anymore work done. They also wanted some kind of contract. They are going to bring the ramps, but they still want to build one of those concrete bowls at the end. Mayor Casto said he believes what they want to do is to give us the money and let us build it by hiring the contractors. City Attorney April Robertson said it was their attorney's suggestion that we forgo any written documents. Councilman Harry Miller, III said as long as it didn't expose us to undetermined liability, he didn't have any problem with it. Mayor Casto has the authority to sign the contract as long as it is approved by the City Attorney April Robertson. COUNCILMAN HARRY MILLER, III MOVED TO RESTATE THE MAYOR'S AUTHORITY IN THIS MATTER TO NEGOTIATE A CONTRACT THAT IS ACCEPTABLE WITH OUR CITY ATTORNEY APRIL ROBERTSON AND SHE NEEDS TO SIGN OFF ON IT, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 6 - RALPH ALLISON: - Nothing to report.

Mayor Casto yielded the floor to Mr. Stanley W. Harrison. Mr. Harrison said he has lived in Nitro most of his life. He is Safety Manager for Maxim Crane Works in Nitro. He informed that one of our major chemical plants is moving out of town. He explained that what he had already talked about with the Mayor and Recorder is that the railroad has gotten so big they don't even look at Nitro. The only thing they are worried about is insurance. He explained that with an independent person coming in, it can bring the shipping by rail down, they can better the service. He said they can offer 24 hours per day, 7 days a week service. Mr. Harrison informed we are looking at about 121 jobs that are going to England, because we have a monster big railroad out here that could care less about Nitro. If Council has any questions, there is a toll free telephone number on the literature furnished them.

Councilman Harry Miller, III said he wasn't sure how Council could help, but we will be willing to work with them in anyway we can.

Councilwoman at Large Brenda Tyler asked if Mr. Harrison had contracted Great Lakes, and he answered they had.

Mayor Casto told Mr. Harrison if there was anyway he could help, he would be happy to do so.

Councilman David Miller said the Mayor could point Mr. Harrison in the right direction through our State Government.

Mayor Casto said he received some information in the mail that didn't make it on the agenda. One is a proclamation proclaiming November 2, 2001 as "FOCUS ON COMMUNITY DAY" and encourages all officials, employees and citizens to honor and recognize the United Way of Kanawha County campaign kickoff day. COUNCILMAN HARRY MILLER MOVED PROCLAMATION ON FOCUS ON COMMUNITY DAY BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Mayor Casto informed that the Salvation Army has requested they be given permission to place kettles in Nitro from November 12, through December 24, 2001. COUNCILWOMAN BRENDA TYLER MOVED REQUEST FROM SALVATION ARMY BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto asked Chief Jordan to announce Saturdays event. Chief Jordan said they would have food, live entertainment throughout the day, juniper jump, clowns as well as other activities. Also, there is a parade scheduled around 7:00 p.m., as soon as it gets dark, going from the four lane down through Nitro across Lock Street, down Main Avenue, coming back up Route 25. A lot of volunteers are involved.

Councilwoman Brenda Tyler said she had been making bows to decorate the City. She has been meeting with the group and there has been a lot of work and planning going in to Saturday. It will be a great day for the City. Everyone needs to come out and support our firefighters and policemen.

COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE APPOINT PERRY JONES AS THE LAY PERSON TO THE DEMOLITION COMMITTEE, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. The Committee consists of Mayor Casto, Bryan Casto and Perry Jones.

Councilman at Large Tim Sizemore said there was an ordinance on the books that prohibits businesses from advertising off of their premises. They cannot put a sign up off of their property. He said we have a couple of businesses that are not on the main road, and he would like for us to look at this closely. He said we need to try to help these businesses as much as we can. They need to have their advertisement on the main road. He said there are some businesses on 21st Street and possibly other places that people don't know the business is there.

Building Inspector Bryan Casto said he receives complaints from Somewhere in Time. They are advertising in a national magazine and people hit the interstate and make it a point to stop here, but when people get off the interstate they can't find it. Councilman Sizemore said the Flower Shop and Fruth have the same problem.

City Recorder Joan McClanahan said she would like to say that she is very happy that our Treasurer Ralph Allison has agreed to stay with us. It will make our lives all a lot easier, and she

thanked him. A big round of applause was given Mr. Allison.

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

PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

September 20, 2001

The Planning Commission of the City of Nitro met Thursday, September 20, 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 September 4 and 10–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, Lonnie Blaylock, Joan McClanahan, Dr. Charles Byrd and Jim Hutchinson. 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 "the residents abutting Cedar Street–petition from residents for the City to abandon Cedar Street." All citizens present who desired to speak to this issue were permitted and encouraged to do so. During the discussion period of about 40 minutes many questions surfaced. Action on this request was delayed until a meeting after the Planning Commission Chairperson and other interested members could consult with the City Attorney. Some of the concerns were: What is a legal petition? What about unwanted property, who gets it and how? What part of the legal process is done by the City Attorney?

The second item of business was a request from Frank D. Bailey, Sr. of 515 Main Avenue "to abandon a five foot strip of land adjoining his property." This property is located on Fir Street. After a period of discussion, including the fact that (1) a request like this from Mr. Bailey had previously been reviewed and denied--the Planning Commission at that time made an on-site visit and found area businesses use the street for employee and customer parking as well as for deliveries and (2) the fact that the fence had been there for 40+ years was not unlike many other situations in the City, Kermit Thompson moved "the request by Frank D. Bailey, Sr., 515 Main Avenue, Nitro, WV to abandon a five (5) foot strip of land adjoining his property be refused." Motion received a second from John Montgomery. Motion unanimously carried.

Jack Oxley's request to abandon the North 21st Street Extension ending at his property at 2192 N. 21st Street was the next item of business. The Commission met for an informal walk-see-study at 6:00 p.m. on Thursday, August 23. It seems that other property in this area would be land-locked if this request were approved. A motion was made by Kermit Thompson "to refuse the request of Jack Oxley to abandon the North 21st Street Extension ending at his property at 2192 N. 21st Street." Motion received a second from Lonnie Blaylock. Motion unanimously carried.

The next regular meeting of the Planning Commission was scheduled for Thursday, October 18, at 7:00 p.m. The meeting was adjourned.

Margaret A. Hudson

Margaret A. Hudson, Chairperson

Attachment #79

CITY OF NITRO

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

PUBLIC HEARING

The Planning Commission of the City of Nitro located in Putnam and Kanawha Counties will hold a Public Hearing Thursday, September 20, 2001, at 7:00 p.m. in Council Chambers at the Community Center to consider request of:

RESIDENTS ABUTTING CEDAR STREET - PETITION FROM RESIDENTS FOR THE CITY TO ABANDON CEDAR STREET.

FRANK D. BAILEY, SR. - 515 MAIN AVENUE - REQUEST CITY TO ABANDON A FIVE FOOT STRIP OF LAND ADJOINING HIS PROPERTY.

All interested parties are invited to attend and express their views.

Margaret Hudson,
Margaret Hudson, Chairperson

Rusty Casto

PLEASE PUBLISH IN BOTH PAPERS: TUESDAY, SEPTEMBER 4 &
MONDAY, SEPTEMBER 10, 2001.

9-20-01 ATTACHMENT #2

PLANNING COMM. MEETING

BRYAN CASTO - Building Inspector
Joe Prine 300 Kanawha Ave
Vernon Casebolt - 307 Kanawha Ave C
Betty Prine 300 Kanawha ave, Nitro C
Mark Sanders Jr -
MARK SANDERS SR. -
RANDY McDAVID -
DONALD BOGGS -
Roger Taylor (C) - 207 KANAWHA AVE.
Frank Bailey -
SCOTT JACK (C) -
Leigh A. Harless (C) - 211 DuPont Ave
Robert Reed (C) - 300 DUPONT AVE
Paul A. [illegible] (C) - 207 Kanawha Ave
Daniel I Casto for Clerk - 211 Kanawha Ave 755 7816
Jim Frazier (C) - 300 Washington Ave.
Mary Means -(C) ~~Ave~~ 301 Kanawha Ave,
Dalta D. Pauley - C - 206 Main Ave
George Atkins -
Frank Bailey

CITY OF NITRO

COUNCIL MEETING MINUTES

OCTOBER 16, 2001

Mayor Casto welcomed everyone 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, 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 EVERYONE TO PLEASE STAND FOR THE PLEDGE OF ALLEGIANCE.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

AGENDA ITEM NO. 1 - APPROVAL OF 10-02-01 COUNCIL MEETING MINUTES: - CITY RECORDER JOAN MCCLANAHAN MOVED FOR THE APPROVAL OF THE OCTOBER 2, 2001 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA AND COUNCILMAN A. A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto informed that the October Citizen of the Month was Andre Haikal as announced during the fund raiser on October 6. Mr. Haikal donated hundreds and hundreds of dollars worth of free food for this event. Mayor Casto said we have made over $50,000 from this event. Mayor Casto said there would be an article on Andre in Metro West. Councilman A.A. "Joe" Savilla said we owe Andre a special thanks and also to Chief Jordan for all his hard work. Councilman David Miller said he would also like to extend thanks to the Public Works Department and Joan and Brenda. A round of applause was given to all who made this project a success.

AGENDA ITEM NO. 3 - CALENDAR BIDS: - Mayor Casto said Councilman Bobby Smith, Councilman David Miller and Councilman A. A. "Joe" Savilla would open the sealed bids. Councilman David Miller opened bid from Color Craft Printing in Charleston for 4,000 City of Nitro calendars 8 ½ x 11" 28 pages plus cover, printed process color throughout on 80# coated text paper on inside pages and 80# coated cover on cover for a price of $5,747.00. Councilman Joe Savilla opened bid from B & B Printers from Bristol, TN for 4 page cover, 100# gloss cover and 32 page body 70# matte text at a cost of $5,734.87 for 3,000, $6,104.15 for 4,000 and $6,476.24 for 5,000. Councilman Bobby Smith opened bid from Syscan for 4,000 calendars, 28 pages plus cover for $9,214.49. This price does not include composition charges. Mayor Casto advised the lowest bid is from Color Craft Printing for 4,000 calendars at a price of $5,747.00. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ACCEPT THE LOWEST BID WHICH IS COLOR CRAFT, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto advised this is a 14 page calendar; we include December 2001 and January 2003.

AGENDA ITEM NO. 4 - APRIL ROBERTSON: - Nothing to be addressed. Mayor Casto ask her if she had heard anything from the state regarding the Smith Street Landfill, and she

answered she hadn't.

AGENDA ITEM NO. 5 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 6 - MAYOR'S COMMENTS: - Mayor Casto said he had been asked to write a proclamation declaring November "National Family Care Giver Month". COUNCILMAN AT LARGE RICHARD SAVILLA MOVED COUNCIL APPROVE THE PROCLAMATION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto said he also has a proclamation asking Council to endorse November 15, as "America Recycle Day" in the City of Nitro. COUNCILMAN DAVID MILLER MOVED NOVEMBER 15, BE PROCLAIMED AS AMERICA RECYCLE DAY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilman David Miller said we have a letter written on behalf of the Parent Teacher Organization, and that he would yield his time to the representative from Nitro Elementary School. Mayor Casto yielded the floor to Tammy Knight, representative from Parent Teacher Organization from Nitro Elementary. After Ms Knight's presentation of their request to allow parking on the residential side of the street, a discussion followed. Councilman at Large Tim Sizemore says there is an ordinance that states if you don't have off-street parking, you are guaranteed one parking spot on the street. Councilwoman at Large Brenda Tyler said she requested a handicap parking place in front of the school. There is one mother whose legs are off that has to come everyday to pick up her children. Councilwoman at Large Brenda Tyler said parents agree that nobody should park in front of a residence on 19th Street for the entire day. COUNCILMAN HARRY MILLER, III MOVED THIS ITEM BE PLACED INTO A COMMITTEE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.
LETTER ATTACHED

Councilwoman at Large Brenda Tyler said there were 10 children from Nitro Elementary that entered the Literature Fair and all 10 children placed with several first place winners.

Councilman A. A. "Joe" Savilla said the Fire Chief was here and asked him if he wanted to come up and talk with them. Chief Hardman advised that one of their fire engines is over 30 years old. This engine would take around $17,000 to repair. City Treasurer Ralph Allison advised it would cost $17,648 to replace the Mac engine and replace the clutch. Councilman Joe Savilla asked what the cost would be to replace the truck, and City Treasurer Ralph Allison responded that the estimates Chief Hardman gave him were $157,243 minus the trade-in of $15,000 for a total of $142,243. The other estimate was for $167,983. Chief Hardman said the big difference is the delivery dates. The lowest price truck can be available within 60 days, and the other one would take 270 days. Mr. Allison informed that on the lower bid, the lease payment is $24,245, and on the higher priced one the lease payment is $28,508 for seven years. Both meet the specifications. Councilman A. A. "Joe" Savilla stated we are making payments now on a fire truck, and asked what the payment would be if we purchased another. City Treasurer Ralph Allison answered it would be between $5,000 and $5,500 a month. We have two engines out at this time, and last Friday we didn't have any working. Councilman A. A. "Joe" Savilla said this definitely constitutes an emergency. COUNCILMAN A. A "JOE" SAVILLA MOVED THAT COUNCIL DECLARE AN EMERGENCY AND BY THE NEXT COUNCIL MEETING THAT

CHIEF HARDMAN BRING BACK TO COUNCIL THE SPECIFICATIONS THEY NEED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH COUNCILMAN TIM SIZEMORE ABSTAINING. COUNCILMAN TIM SIZEMORE CHANGED HIS VOTE TO AFFIRMATIVE TO DECLARE AN EMERGENCY, AND IT WAS UNANIMOUSLY APPROVED.

Councilman A. A. "Joe" Savilla said he once again wants to thank everyone involved in the fund raiser.

Councilman David Miller said he spoke with a firefighter from New York this past week. He works at the Roosevelt Boulevard Station which is on the other side of town. He lost his best friend in the tragedy. Councilman Miller told him about Nitro joining with another town and that they raised around $50,000, and it was very much appreciated. Councilman Miller said the firefighter hugged him and thanked him.

Councilman Tim Sizemore asked to go into executive session following Council Meeting and asked the two Chiefs to attend for personnel reasons.

Councilwoman at Large Brenda Tyler said she too wanted to thank Chief Jordan. It was so good to see the departments come together and work for this cause. She said she was very proud to be a part of it. People were very nice when they stopped them asking for donations.

Councilwoman Tyler said it was her understanding that Kent Carper had talked with the Mayor and that if we could come up with something concrete that Kanawha County Commission had about $25,000 that they would give us. She asked that we look into this and take that $25,000 and purchase a truck for Public Works. Winter is coming and they will need to spread some salt. This has been on their list of needed equipment. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE ASK THE KANAWHA COUNTY COMMISSION FOR A $25,000 GRANT AND THAT IT BE USED TO PURCHASE A TRUCK FOR THE PUBLIC WORKS DEPARTMENT, SECONDED BY CITY RECORDER JOAN MCCCLANAHAN AND WAS CARRIED.

CITY RECORDER JOAN MCCLANAHAN MOVED WE GO INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 8:15 P.M.
OUT OF EXECUTIVE SESSION AT 8:40 P.M.

Mayor Casto informed that the Sanitary Board got a two year extension on the CSO requirements. We have until October 2003 to come up with a plan.

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

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

NITRO ELEMENTARY SCHOOL
1921 19th Street
Nitro, West Virginia 25143
(304) 755-2514
Karen Price, Principal

Rusty Casto, Mayor
Nitro City Hall
Nitro, West Virginia 25143

Re: Parking on 19th Street

Dear Mayor Casto:

This letter is written on behalf of the Parent Teacher Organization and in reference to parking on 19th Street. Several of our members have approached the board and requested that authorization be sought from City Council to park on the residential side of the street while picking up students at the end of each school day. Accordingly, we are requesting authority to allow the families of the student body to park on the residential side of 19th Street for a period of not more than 30 minutes each school day between the times of 2:15 p.m. and 2:45 p.m.

During your consideration of this matter, we would like for you to keep in mind the following facts and circumstances:

1. There are nine houses on the street;
2. Currently, there are two houses on the street which are vacant;
3. Recently, a member of the board spoke with one resident and found that they did not object to this change stipulating that their driveway would not be blocked during this time.
4. Nitro Elementary services nearly 400 students, teachers and staff. The school and community are fortunate enough to have very involved parents and families. So much so, that this year's PTO membership is approximately 300 people;
5. Many of the students reside a short distance from the school and are not provided bus services leaving their families no other choice but to pick the student up from school;
6. After school care providers also must pick up their children because many of them reside out of the bus district; and
7. Many of the parents of the student body work evening shifts causing them to have to pick their child up to transport them to after school child care facilities.

Many of our members feel that the designation of residential parking will only hamper attendance at extra curricular activities held at the school such as the Fall Festival, Parent Teacher Conferences, Holiday Luncheons and regular PTO meetings. While many of our members accept your decision to designate 19th Street as residential parking only, many feel there should be some means to reach an agreement amicable to both sides, without compromising the students well being or inconveniencing the residents of 19th Street.

Extreme parent involvement is sometimes bitter sweet and sometimes causes a "Catch 22" situation. While we will not discourage the student's families from participating in school activities, neither do we want to disrupt the lives of the residents located on 19th Street. Nonetheless, we have found that the mere fact that as a result of our student's families involvement, and in light of the very limited parking available around the school, causes an unsafe environment for the students known as "walkers." These are students whose parents either pick them up or they walk home. When school adjourns and the "walkers" come out of the building, they immediately observe a sea of vehicles, some moving and some parked. For some of our students, and parents for that matter, this causes confusion. In turn, we've witnessed both students and parents attempt to cross a street or sidewalk adjacent to the parking areas near the school, only to become startled and sometimes frightened by a vehicle moving toward them.

Additionally, we have found that without these parking spaces available to us, parents are having to drive around the block numerous times to locate a parking space, therefore endangering many students' well-being.

Many of our members also feel that designation of "residential parking only" on a public street is an infringement of their rights as tax paying residents of this city. Many feel that this is unjust in that some reside on streets where a place of worship or business is located. These streets many times are extremely congested. However, these streets are not designated as residential parking only. Furthermore, our members understand that these are public streets and accept this small inconvenience for the betterment of our community.

Should you grant this request, the Parent Teacher Organization would advise the families of the student body that there is to be no parking in the handicap zone and no driveway is to be blocked.

Accordingly, and for these reasons, the Parent Teacher Organization feels that by allowing the parents of Nitro Elementary's student body to park on the residential side of 19th Street for **NOT MORE THAN 30 MINUTES PER SCHOOL DAY,** will decongest the current traffic situation and allow for a more safe environment for the students and their families. Therefore, we are requesting authorization to do same.

Thank you for your consideration in this matter. We look forward to working with you on this and other situations as they arise.

Respectfully,

Nitro Elementary
Parent Teacher Organization

CITY OF NITRO

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

TO: MEMBERS OF NITRO CITY COUNCIL

IN COMPLIANCE WITH CITY CODE 123.03 SS B "SPECIAL MEETINGS", THERE WILL BE AN EMERGENCY MEETING OF NITRO CITY COUNCIL MONDAY, OCTOBER 29, 2001 AT 7:00 P.M. IN COUNCIL CHAMBERS TO DISCUSS:

1. FIRE DEPARTMENT VEHICLES

SIGNED THIS 26TH DAY OF OCTOBER, 2001

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

RICHARD SAVILLA, COUNCIL AT LG.

TIM SIZEMORE, COUNCIL AT LG.

BRENDA TYLER, COUNCIL AT LG.

A. A. "JOE" SAVILLA, CO WARD I

DAVID MILLER, CO WARD II

ROBERT SMITH, CO WARD III

HARRY MILLER, III CO. WARD IV

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING, made and entered into this fourth day of March, 2003, by and between the City of Nitro (hereinafter referred to as CITY), and Tri-State Gaming Center (hereinafter referred to as TRI-STATE);

WITNESSETH:

WHEREAS, the City of Nitro owns and operates a 90± acre property as RIDENOUR LAKE RECREATION AREA for the benefit, use and enjoyment of the general public; and

WHEREAS, Tri-State Gaming Center needs to increase parking at its facilities at Cross Lanes for its patrons due to the completion of the expansion of its gaming center complex; and

WHEREAS, TRI-STATE in its construction of additional parking will be removing an existing 3 acre wetland retention pond on its property; and

WHEREAS, TRI-STATE in its compliance with U.S. Army Corps of Engineers Wetlands Regulations will be mitigating the removal of the existing wetland area; and

WHEREAS, the two parties desire to work together to the benefit of each party and the general public as set out herein below.

NOW, THEREFORE the parties hereto do hereby agree as follows:

1. The CITY will provide an outline of the proposed renovations, upgrades, future improvements and goals of operation of the Ridenour Lake Recreation Area to TRI-STATE's Engineering and Design Consultant, TERRADON Corporation (TERRADON) for review and use in preparing a proposed MASTER PLAN for the recreation area.

2. TERRADON will prepare a draft Master Plan of the area incorporating the general outline items and scope of operational goals of the CITY and will provide a copy to it for review and comments prior to the finalizing of same.
3. The CITY will make available certain portions of the Recreation Area to TRI-STATE for enhancement and improvement of certain natural free flowing small streams and their habitat as per the Master Plan.
4. The CITY will make available the existing small wetland that lies on the north side of Blakes Creek Road to be utilized by TRI-STATE for improvement and enhancement of its habitat as per the Master Plan.
5. TRI-STATE will construct the stream habitat and wetland habitat improvement and enhancements as per the Master Plan, which will complete its commitments to the U.S. Army Corps of Engineers for wetland mitigation.
6. The CITY will then include the operation, management and maintenance of the habit improvements and enhancements at its Recreational Area to be enjoyed and utilized by the public and in particular the school systems for educational purposes in environmental awareness of the conservation of natural free flowing streams and wetland habitats.

IN WITNESS WHEREOF, the City of Nitro and Tri-State Gaming Center have hereunto caused their names to be signed, as evidence of this MEMORANDUM OF UNDERSTANDING, as of day and year first hereinabove written.

City of Nitro

By: _____

Its Mayor

Tri-State Gaming Center

By: _____

Its _____

Prepared By:

TERRADON Corporation

Real Estate Services Group

CITY OF NITRO

SPECIAL COUNCIL MEETING MINUTES

OCTOBER 29, 2001

Mayor Casto called the special meeting to order at 7:00 p.m. in City Hall. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen Richard Savilla, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bob Smith and Harry Miller, III. Also present was City Treasurer Ralph Allison.

Mayor Casto yielded the floor to Councilman Joe Savilla to explain why he wanted this meeting. Councilman Savilla said City Recorder Joan McClanahan called him Thursday about the fact that we had blown another engine in our Haz-Mat response vehicle. He said he told her that we need to call a special council meeting because we bought one new fire truck, they are wanting to buy another one and we have an engine out of a third unit. What do we do? He said we need to find out what is going on, and why we have blown so many engines. Chief Hardman answered that most of the vehicles are worn out when they get them He said he really couldn't really say what happened to the last engine except that it is old. Chief Hardman advised they do not have a maintenance program. He said several times they have tried to establish maintenance programs and one time they put notebooks together for all the vehicles. They would get grease jobs done, and then nothing else happened because of finances. He said when something broke, they tried to get the money to fix it. The Haz-Mat vehicle was an old truck when they bought it. They City paid $1,000 and the Association paid $1,000.00 to $1,500.00 for it. Chief Hardman advised the firefighters routinely check the oil, and all this kind of stuff, but it hasn't been done every 3,000 miles or 3 months. There have been years gone by and the oil hasn't been changed due to finances. Councilman Joe Savilla said the cheapest thing we can put in the equipment is oil, and the Public Works Department could change oil in those vehicles. They have a bay large enough for a fire truck. Councilman David Miller informed that on one fire truck 851, in order to change oil you must change cross member mount. It has more than one filter. This is a major undertaking. Councilman Joe Savilla said this is something we talked about when we put our budget together. The way the police cruisers and fire trucks are run, we have got to establish maintenance intervals on all of them. He said he spoke with the police department and public works department and they do maintain their vehicles. They keep records of when the oil is changed and when they are tuned up, etc. Councilman Joe Savilla said we can't afford to run the fire trucks a year or two years without changing oil. Whether or not it comes out of the garage, the oil needs to be changed every three months. Councilman David Miller said in defense of the past, during the previous administration when something got cut-out, it was maintenance. We don't have a diesel mechanic, but Bobby Lewis maintains the police cruisers. Councilman Joe Savilla said Bobby Lewis could change oil in the fire trucks. When the oil is changed, all fluids need service. All filters need service and the brakes need adjusted. City Recorder Joan McClanahan commented that if this is difficult, why don't we sign a maintenance agreement with someone who knows what they are doing. Councilman David Miller said the ladder on the ladder truck hasn't been inspected and serviced within the established intervals. Chief Hardman responded not at this time, but the Treasurer has given me the go ahead to sign the agreement with a company that does this. It is just a matter of scheduling a time and getting it done. Councilman David Miller said we need to find some kind of plan to get these things on a maintenance schedule and keep them on a maintenance schedule. On a as needed basis, the firefighters take the vehicles to WV Truck & Trailer to have

AGENDA ITEM NO. 7 - CHRISTMAS PARADE, SAT. 1, AT 6:00 P.M. - City Recorder Joan McClanahan announced the Christmas Parade will be Saturday at 6:00 p.m. She said she didn't have the route or who is in charge. Councilwoman at Large Brenda Tyler said she had been receiving telephone calls on this because the Mayor has been telling people to call her. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF THE PARADE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED

AGENDA ITEM NO. 8 - BIDS - PW TRUCK: - City Recorder Joan McClanahan advised we received three bids for a pickup truck for Public Works. They were distributed to Councilman at Large Tim Sizemore, Councilmen David Miller and Joe Savilla. Councilman Joe Savilla opened the bid from C & O Motors, Charles Hughes the salesman, for a 2001 in the amount of $24,499.00. City Recorder Joan McClanahan advised we had $25,000 to spend on this truck because Mayor Casto got the donation from Kanawha County Commission. Councilman David Miller's bid from Joe Holland was $27,560.00, but will sell for $25,000.00. The third bid was from General Truck Sales and it has a part a & part b. Package A is for a 2002 GMC Sierra, 2500 HD with a price of $24,272.00 and package B has a new 2000 with bedliner and hitch for a price of $20,800.00 and ready to go to work. COUNCILMAN DAVID MILLER MOVED THESE BIDS BE REFERRED TO THE CITY RECORDER JOAN MCCLANAHAN, TREASURER RALPH ALLISON AND PUBLIC WORKS DIRECTOR A. J. HILL FOR THEIR CONSIDERATION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 9 - PLANNING COMMISSION MINUTES: - Members of Council were furnished a copy of the Planning Commission Minutes of October 18. The only item addressed at this meeting was a petition to close Cedar Street. It was voted upon by the Commission not to approve the petition for abandonment. Councilman A. A."Joe" Savilla said we have a planning commission for this very reason. If they have a reason not to approve it, then unless we have a compeling reason not to overrule their recommendation we should accept it. COUNCILMAN HARRY MILLER, III MOVED WE ACCEPT THE RECOMMENDATION FROM THE PLANNING COMMISSION, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED WITH COUNCILMAN BOBBY SMITH VOTING AGAINST THE MOTION.

A COPY OF THE MINTUES ATTACHED.

AGENDA ITEM NO. 10 - ESTIMATES ON MAINTENANCE - FIRE TRUCK: - City Recorder Joan McClanahan yielded the floor to Chief Steve Hardman. Chief Hardman said he obtained two actual bids for the work . The first bid was from WV Truck & Trailer $1,650.00 and the second bid was $2,109.50 from General Truck Sales. Chief Hardman had a letter from Dill's that they do not do this type work. World Wide Equipment did not get back with him. As far as service, it is basically the same. Councilman A. A. "Joe" Savilla said this was close, but feels we can save the city money and do just as good a job as far as changing the oil and filter and lubricating the chassis on the trucks at our own maintenance garage in Nitro. He recommended we should let one of the two bidders do the general maintenance and let our own staff change oil, filter and lubricate the trucks. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE CHIEF AND CITY TREASURER DECIDE ON WHICH OF THESE MAINTENANCE QUOTES THEY WANT TO USE. WE SHOULD START NOW ESTABLISHING MAINTENANCE RECORDS ON OUR FIRE DEPARTMENT, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE. COUNCILMAN HARRY MILLER, III SAID HE WAS PLEASED WE WERE

ABLE TO MAKE THIS PROGRESS AND THIS DOES MEET THE OBJECTIVE THAT WAS DISCUSSED IN THE SPECIAL COUNCIL MEETING. A VOTE WAS TAKEN AND WAS CARRIED.

Chief Hardman said the second request was for him to come back with equipment totals to add to the bids previously submitted. Members of Council were given a portfolio from WV Truck & Trailer Co., and the equipment is within a couple hundred dollars differences. WV Truck and Trailer came in at $47,257.00 in addition to the equipment and Smeals was $47,860.00. City Treasurer Ralph Allison informed the original bid from WV Truck and Trailer was $157,243.00 minus the $15,000.00 trade in making the net $142,243.00. The Smeal Fire Apparatus original was $167,983.00. Chief Hardman advised that the Nitro Firefighters Association has already bought a small trailer that they are pulling with their old pickup truck at this time with their equipment in it. There are three firefighters that have just returned or are on their way from looking at trailers. They are looking at a 35 footer, fifth wheel trailer. They are looking at a toter truck to pull the hazmat equipment. Chief Hardman said WV Truck and Trailer prepared a statement of total price of both trucks with 7 year annual payments and 10 year annual payments. COUNCILMAN AT LARGE TIM SIZEMORE MOVED THIS BE PUT IN THE FINANCE COMMITTEE FOR FURTHER DISCUSSION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. Councilman Harry Miller, III suggested we schedule a Finance Committee meeting as soon as possible. A vote was taken and it was unanimously approved. A Finance Committee meeting was scheduled Thursday, November 8, 2001, at 7:30 p.m. in Council Chambers.

AGENDA ITEM NO. 11 - NITRO DEVELOPMENT AUTHORITY APPOINTMENTS: - City Recorder Joan McClanahan furnished members of Council a copy of the request of renewals on present members and the appointment of two new members. Members up for renewal are Preston Russell, Ivan Meadows, Jim Westlund and Olaf Walker. New members elected to the board are John H. Adams and Tina Heidenreich. COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE APPROVE THE RENEWALS AND THE TWO NEW MEMBERS TO THE NDA AND IT WAS CARRIED.

AGENDA ITEM NO. 12 - NITRO SANITARY BOARD: - Members of Council were furnished copies of Nitro Sanitary Board Minutes for August 28, joint meeting August 29 and meeting of September 25, 2001. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE NITRO SANITARY BOARD MEETING MINUTES BE MADE A PART OF THE RECORD, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED.

COPY OF AUGUST 28, AUGUST 29 & SEPTEMBER 25, MEETING MINUTES ATTACHED.

Councilman Harry Miller, III reported on the meeting held last week. This was to introduce the members of the joint Sanitary Board/City Council members to the new Engineer for the Sanitary Board from S & S Engineers. Members of the Committee felt S & S had come up with a very good innovative and proactive approach on some of the issues they had considerable problems with in the last few months. At the same time, they also discussed some longer term goals and objectives that we feel the City and Sanitary Board should pursue. Councilman Harry Miller, III said he would like to commend the Sanitary Board on the selection of their engineer and also on the progress made today.

AGENDA ITEM NO. 13 - APRIL ROBERTSON: - City Recorder Joan McClanahan yielded the floor to the City Attorney April Robertson. City Attorney April Robertson said we could have the second reading of ordinance on the annexation by boundary adjustment if Council so desired. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. The City Attorney read title only, "Ordinance of the City of Nitro to annex by Minor Boundary Adjustment a Contiguous Parcel of Land Known as th Republic Container Property in Union District, Kanawha County, into the Present Corporate Limits of the City of Nitro, West Virginia. COUNCILMAN DAVID MILLER MOVED WE ACCEPT THE ORDINANCE ON THE SECOND READING, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

ORDINANCE 01-14 ATTACHED

City Attorney April Robertson said she was asked to look at a portion of the City Code that restricts signs, billboards and other advertising displays to parcels where those signs specifically pertain to the use of the property on which they are erected. She explained that as the City Code is written it prohibits advertising off premises. To get around this, City Council would have to amend that portion of the City Code. Councilman David Miller asked if someone could request a variance on this, and City Attorney April Robertson answered they could make a request to the Planning Commission because signs are considered structures. Councilman David Miller said if there is already an avenue we can take, we probably don't need to cross that bridge again. Councilman David Miller said if there is a sign on the Interstate that is in the City limits, but not anywhere close to the business advertising the business, it violates the ordinance. A discussion followed.

AGENDA ITEM NO. 14 - RALPH ALLISON: - City Recorder Joan McClanahan yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said that in our budget meeting last year we approved a lease purchase of a garbage truck and asked Councils' permission to put it out for bids. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE PUT THE TRUCK OUT FOR BIDS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 15 - MAYOR'S COMMENTS: - City Recorder Joan McClanahan thanked everyone for their patience and support, and said she wanted to bring up a couple of things. City Recorder Joan McClanahan said that when they worked on the budget they had to take money from the Library, and ask the City Treasurer if they could find the money. She said she was told today that a grant or money they get from the Kanawha County Commission up to $25,000 is contingent upon our restoring the balance of their funding. This can be discussed in the Finance Committee Meeting Thursday.

City Recorder Joan McClanahan mentioned the garbage bags. She said that people on a daily basis ask about them. City Treasurer Ralph Allison said at this time, we do not have funds for this, but this can also be discussed Thursday.

The Secretary of the Nitro Elementary School PTO asked if anything had been decided on the parking on 19th Street, and Councilman David Miller answered that he had talked with someone about angle parking, and we might need to write a letter of support to the elementary school and let them try to pursue it with the County. Councilman David Miller told her the Committee hadn't met.

Councilman David Miller mentioned the Nitro sign at Red Oak Drive was broken.

Councilman A. A. "Joe" Savilla congratulated Public Works Director A. J. Hill on the work he is doing over at the City Garage. He is really cleaning that place up; moved the piles of dirt and putting gravel down and moving a lot of debris out. He said he knew A.J. was working short handed, but he is doing an excellent job. This is another example of the employees we have in the City of Nitro, and wanted to commend him. He said he was proud of our police department. We had several promotions take place. The incident that took place last night with our two police officers is an example of the employees in Nitro. He said he was also proud of our fire department and how they respond.

Councilwoman at Large Brenda Tyler informed that our fire department responded to a major apartment fire last week that could have been a major loss, but was saved .

Councilman David Miller complimented A. J.'s crew on the job they did at City Hall. Councilman Joe Savilla added that it is painted and clean and they did a super job.

Councilman Tim Sizemore asked the City Attorney April Robertson if she would look into what he would call a hole in the ordinance. There is an ordinance that is missing in succession of office, and explained that in the event an office becomes vacated, what to do. He said he was told that we could write our own as told by the Secretary of States Office or we can go by the State Code. We are eligible to do either one. We need to spell this out for now and in the future for replacement of some member that may want to resign. He mentioned we don't have any way to replace the Mayor or Recorder should the positions become vacant.

Councilman Tim Sizemore said that there are a lot of complaints around the City about people blocking mail boxes. Captain Gene Javins advised there is a city ordinance and a state ordinance about blocking mail boxes.

Councilman Tim Sizemore mentioned the Lake. He said it is aggravating him and feels it needs to be locked up for the winter. The gates need to be closed. It is a mess at night and also through the day. Councilman Harry Miller, III said he wasn't in favor of locking it through the day, and Councilman Tim Sizemore said maybe we could close the back parking lot and leave the front parking lot open where the police could see. He said he saw something the other night up there that was too far out of kilter to talk about.

Councilman at Large Tim Sizemore stated there was a hearing that took place Thursday which more or less silenced the bells at the Church of God. He said it was his personal opinion but felt the decision was drastic. However, the Judge ruled and we have to live with the ruling in Court.

Councilwoman at Large Brenda Tyler said she was still waiting on the handicap sign at the elementary school. A. J. Hill informed that the sign was already up. The sign was placed at the end of 19th Street, and she was wanting the sign placed at the main entrance of the school. This sign is basically to accommodate one mother who is in a wheel chair and wants to pick up her children. There was confusion as to the front of the school and placement of the sign. Councilwoman at Large Brenda Tyler explained that she wanted the sign placed on 19th Street where the offices are. She said this was the only door that is unlocked. Captain Javins and A. J.

Hill will get together tomorrow to change the sign.

Councilman A. A. "Joe" Savilla mentioned Council should have an up-to-date City Code Book, and this will be brought up at the meeting Thursday night.

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

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

PROCLAMATION

KINDNESS WEEK
NOVEMBER 11-17

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, ALL CITIZENS OF NITRO WILL BECOME MORE AWARE OF THE IMPORTANCE OF BEING KIND TO OTHERS THROUGHOUT THE YEAR; AND

WHEREAS, BY RECOGNIZING THESE 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 NITRO, DO HEREBY PROCLAIM THE WEEK OF NOVEMBER 7-14 AS **KINDNESS WEEK** IN 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 6TH DAY OF NOVEMBER, 2001

Rusty Casto

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

October 18, 2001

The Planning Commission of the City of Nitro met Thursday, October 18, 2001, at 7:00 p.m. in Room 111 of the Nitro Community Center. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were John Montgomery, Diana Painter, Bob Smith, Lonnie Blaylock and Joan McClanahan. Bryan Casto, City Building Inspector, as well as interested community citizens (see Attachment No. 1) attended the meeting.

The only item on the agenda, a hold- over from the September meeting, was from the residents abutting Cedar Street–a petition for the City to abandon Cedar Street. All citizens present who desired to speak to this issue were permitted and encouraged to do so. The Planning Commission Chairperson reported that she and other interested members met with the City Attorney following a recent City Council Meeting and were told that the individual maps and Petitions To Close A Public Street constituted a petition. The residents had, however, prepared a more "traditional" petition and presented it to the Planning Commission. A copy of this is attached (see Attachment No. 2). The Planning Commission was told that two residents with property abutting Cedar Street did not sign the petition and "did not want to participate." Following additional discussion during which time members of the Planning Commission expressed their concern over the congestion on the avenues Cedar touches, especially Kanawha, and the fact that these avenues need as many exits and entrances as possible for emergency vehicles as well as everyday traffic, John Montgomery moved "to deny the petition." The motion received a second from Lonnie Blaylock and passed with one vote in opposition.

The next regular meeting of the Planning Commission was scheduled for Thursday, January 24, 2002, at 7:00 p.m. The meeting was adjourned.

Margaret A. Hudson

Margaret A. Hudson, Chairperson

Attachment No. 1

10/18/01 Planning Commission Meeting

Present:	Address
Bryan Casto	2009 20th St
Joe Prine	300 Kanawha Ave.
Vernon Casebolt	307 Kanawha Ave
George Atkins	304 " "
Dale Means	301 Kanawha Ave.
Mary Means	301 Kanawha Ave.
Dalta Pauley	206 Main Ave.
Scott Jack	212 Dupont Ave.
Brian & LeighAnn Harless	211 DuPont Ave
Robert Reed	300 Dupont Ave
Taylor Painter	

Attachment No. 2

Petition For The Abandonment Of Cedar St.
Located In Nitro, WV
Signatures Gathered By Scott A. Jack

NAME	ADDRESS	SIGNATURE	PHONE
1. Scott A. Jack	212 Dupont Ave.	Scott A. Jack	755-9891
Sandra F. Jack		Sandra F. Jack	
2. Brian H. Harless	211 Dupont Ave	Brian H. Harless	755-2094
Leigh Ann Harless		Leigh Ann Harless	
3. James R. Frazier	300 Washington Ave	James R. Frazier	755-5666
Pamela S. Frazier		Pamela S. Frazier	
4. Charles C. Means	301 Kan. Ave	Charles C. Means	755-7761
Mary L. Means MARY L. MEANS		Mary L. Means	
5. Melody Mynes	301 Dupont Ave	Melody Mynes	755-4804
6. Robert S. Reed	300 Dupont Ave	Robert S. Reed	759 2599
Kristine M Reed		Kristine M Reed	
7. Kelly Norvell	209 Wash. Ave	Kelly L. Norvell	755-2059
Kevin Norvell		Kevin Norvell	
8. Sue Brick	301 Washington	Sue Brick	755-4898
9. Datta Dixie Pauley	206 Main Ave	Datta Dixie Pauley	755-5593
10.			

Rcvd by MA Hudson
10/15/01

CITY OF NITRO

CITY OF NITRO

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

ADVERTISEMENT FOR BID

The City of Nitro will accept sealed bids until 3:00 p.m. Tuesday, November 6, 2001 for a F353 4x4 Styleside Pickup/137, 2002 Model Year.

Specifications are available from the Department of Public Works, Phone (304) 755-0704.

Please submit sealed bids to the City Recorder, PO Box 308, Nitro, WV or City Hall, 20th Street and 2nd Avenue, Nitro, WV.

The City of Nitro has the right to reject any and/or all bids.

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

PLEASE PUBLISH IN BOTH PAPERS: SATURDAY, OCTOBER 27, (or sooner)
& FRIDAY, NOVEMBER 2, 2001

	F353 4X4 STYLESIDE PICKUP/137
	2002 MODEL YEAR
F1	RED CLEARCOAT
CE	MEDIUM FLINT CLOTH
	PREFERRED EQUIPMENT PKG.610A
	.XL TRIM
531	.TRAILER TOWING PACKAGE
552	.PASSENGER AIRBAG
587	.AM/FM STEREO W/ CLOCK
99F	7.3L POWER STROKE TURBO DIESEL
449	ELECT 4-SPD AUTO TRANS
T48	LT265/75RX16E BSW ALL-TERRAIN
XD1	3.73 RATIO LIMITED SLIP AXLE
17F	XL DECOR PACKAGE
594	.JEWEL AFFECT HEADLAMPS
648	.FULL WHEEL COVERS
768	.CHROME REAR STEP BUMPER
153	FRONT LICENSE PLATE BRACKET
203	9900# GVWR PACKAGE
41H	ENGINE BLOCK HEATER
515	SPARE TIRE AND WHEEL
572	AIR CONDITIONING -- CFC FREE
C	CLOTH BENCH SEAT
	NOT FOR AMBULANCE USE. USING
	THIS VEHICLE TO PRODUCE AN
	AMBULANCE VOIDS FORD WARRANTY.

TOTAL VEHICLE & OPTIONS	
DESTINATION & DELIVERY	
SCHEDULE A (MEMO)	.00

TOTAL FOR VEHICLE

23 U.S. GAL GAS FACTORY	
BATCH-ID 1K11300328 N RB 2X	
PRICE LEVEL	230340F31
SHIPPING WEIGHT	6171 LBS.

MINUTES OF THE MEETING
OF THE
NITRO SANITARY BOARD

Counties of Kanawha and Putnam, West Virginia

August 28, 2001

THOSE ATTENDING: Chairman, Rusty Casto; Board Members, Art Ashley; , BS Saluja, Kim Painter, Secretary/General Manager, Danny Lewis, , Treasurer Max Lemma, Attorney Denny Vaughan, Dunn Engineers Wayne Hypes, Jeremy Graham,Doug Smidth.

Visitors:

Call to Order Chairman Casto was delayed and could not be at the start of the meeting. Mr. Saluja was ask to chair the meeting . Mr. Saluja then called the meeting to order.

NEXT MEETING DATE: Next meeting date September 25, 2001 at 3:00 pm.

APPROVAL OF MINUTES: Mr. Ashley made the motion to approve the minutes of the July 24, 2001 meeting. Mr Painter seconded and motion was carried.

FINANCIAL REPORT: Mr. Lemma stated that the books has been closed through June 30, 2001. He said he hopes to have the year end completion finished by the next meeting. He said he has looked through the ledger's and has been very pleased with the accounting for the last year. Mr. Lemma said he does not expect any surprises so we should have everything ready for the PSC shortly.

POCA RIVER: Mr. Ramsey stated the Poca River Project is completed. He passed out a project cost analysis showing the various cost on the project. He said we ended the project with around $4315 dollars under budget.
Mr. Saluja ask Mr. Lewis if he has checked everything out in the field related to the project since the issue of substantial completion. Mr Lewis said everything seems fine. He said the only problem we are dealing with is the fact that the some of the new pump stations are in the flood plain and due to the river flooding the pump stations was full of water and pumped continuous for sometimes up to three and four days. He said this is going to tear our pumps up and cause high electric bills.
Mr. Ramsey said they are working on this problem and should have it repaired soon.

Bob Morrison: Mr. Lewis passed out a letter that Mr. Morrison sent on August 16, 2001, asking for some reimbursement for a line he paid for running up Red Oak Drive to enable himself and Mr. Alan Stone to hook up to Nitro's main line.
The matter was discussed and it was determined to have Mr. Lewis respond by letter, with Mr. Vaughan's approval, stating it will keep the decision that was made in the June meeting, requiring Mr. Morrison and Mr. Stone to pay for the line.

Blakes Creek Update: Mr. Graham said that no new work has been done on the project. Mr. Saluja ask if any new information has been gathered on the project. The answer was no.

C.S.O. PROJECT: Mr. Graham said we are working on the long range control plan at the present time.
Mr. Saluja ask the engineers how much time we have for CSO design, construction and operation.
Mr. Graham said that Mr. Marshall of DEP wanted us to outline what our proposed construction schedule would be in our long range control plan.
Mr. Saluja ask if the regulations have a mandated timetable that Cities must comply with.
Mr. Hypes said the DEP wants these timetables as soon as possible. He said the deadline has passed to have them in.
Mr. Saluja ask if the other Cities around us and around the State have complied with these regulations.
Mr. Hypes said most other Cities are in the process of complying. He said that very few are done.
Mr. Ashley said that the first step in this process should be to have the Joint Committee's Chairman, Harry Miller, meet with Mr. Tom Marshall to let him know that Nitro is in the process of working on this CSO issue. He said this way they will know we are doing something .
Mr. Saluja said it would be a good idea if this work went through the joint committee.
The issue's was discussed some more with no clear decision's.

EXECUTIVE SESSION: Mr. Saluja made a motion to move to executive session. Mr. Ashley seconded and motion was carried.
The business of Blakes Creek and CSO was discussed.
Mr. Ashley made a motion to move out of executive session. Mr. Saluja seconded and motion was carried.

DECISION OF EXECUTIVE SESSION: Mr. Saluja made a motion to completely halt the Blakes Creek Project, authorizing Chairman Casto to send Dunn Engineer's a letter stating this, and requesting all work we have paid for on Blakes Creek and CSO project's be turned over to Mr. Lewis.
Mr. Ashley said given that there is no one present at the reconvening of the Sanitary Board that was not present at the other meeting, he will second the motion. Motion was passed.

Adjournment: As there was no further business to discuss Mr. Saluja moved to adjourn. Mr Painter second and Motion was passed.

Chairman, Rusty Casto

Member, Arden D. Ashley

Member, H. Kim Painter

Member, Joseph Brewer

Member, B. S. Saluja

General Manager, Secretary, Danny L.Lewis

MINUTES OF THE MEETING
OF THE
JOINT COMMITTEE OF NITRO CITY COUNCIL AND NITRO SANITARY BOARD

Counties of Kanawha and Putnam, West Virginia

August 29, 2001 7:30pm.

THOSE ATTENDING: Chairman, Harry Miller, Members, David Miller, B.S. Saluja, Art Ashley, Kim Painter Joe Scavillo (Absent). Danny Lewis, Terry Martin

CALL TO ORDER: Chairman Miller called meeting to order.

APPROVAL OF MINUTES: Mr. David Miller made a motion to approve the August 14, 2001 minutes. Mr Saluja seconded and motion was carried.

DISCUSSION:

Chairman Miller started out by asking for an update of the last Sanitary Board Meeting.
Mr. Saluja stated at the August 28, 2001 meeting , the Blakes Creek Project was addressed. He said that no new information concerning additional flow which would generate funds was presented. Mr. Saluja said the Board moved to terminate the contract with Dunn Engineer's. Mr. Saluja said the CSO design, planning, scheduling and construction, which the Board has to do to comply with the EPA and DEP regulations was discussed. He said it was determined that it would be a good idea if this Joint Committee take up these issues. He said this Committee would work with DEP and keep them posted.
Mr. Ashley said we have no contract with any engineers at this time.
Chairman Miller stated that the next step would be to decide how to proceed with the planning of this CSO project.
Mr. Saluja said the CSO is a substantial project and we must retain a qualified and experienced Engineering firm. He said at this time we should put an add in the paper inviting proposals from interested firms.
Chairman Miller said it would be in the province of the Sanitary Board to advertise and then silicate those proposals.
Mr. Painter then introduced Mr. Terry Martin of the Regional Intra governmental Council. He said he invited him there to assist us in the procurement process.He said this council is the most knowledgeable entity availably to assist us in these matters.
Mr. Martin stated that he would suggest as far as the advertisement, short listing, interviews and selecting an engineer, that all requirements in the application be met. He went on to explain the best procedures to take that would satisfy Nitro's needs.
Mr. Ashley said that this outside help is greatly appreciate. Mr. Ashley said with an undertaking of this magnitude, we need to have the benefit of legal council for this joint committee. He said he would like to recommend, from this point forward, we put legal council in place. Mr. Ashley said the Sanitary Board's attorney, Mr. Denny Vaughan, who has experience in this arena, would be a good choice.
Chairman Miller said he cannot speak for City Council but he think's it is a good idea. He said at some point we may need the City Council's attorney involved also. He said he would bring this up with other Council members.
Discussion then went in the direction of determining what needs accomplished and how to have this information outlined for engineering proposals. It was determined that Mr. Lewis contact DEP and request in writing what must be done.

ADJOURNMENT: As there was no further business to discuss Mr. Ashley made a motion to adjourn. Mr. Saluja seconded and motion was passed.

Chairman, Harry Miller	Member, B.S. Saluja	Member, David Miller
Member, Art Ashley	Member, Kim Painter	Member Joe Seville

MINUTES OF THE MEETING
OF THE
NITRO SANITARY BOARD

Counties of Kanawha and Putnam, West Virginia

September 25, 2001

THOSE ATTENDING: Chairman, Rusty Casto; Board Members, Art Ashley; , BS Saluja, Kim Painter, Secretary/General Manager, Danny Lewis, , Treasurer Max Lemma, Attorney Denny Vaughan, Dunn Engineers Wayne Hypes, Jeremy Graham,Doug Smidth, Accountant Ralph Laton.

Visitors:

Call to Order Chairman Casto called the meeting to order.

NEXT MEETING DATE: Next meeting date October 23, 2001 at 3:00 pm.

APPROVAL OF MINUTES: Mr. Saluja made the motion to approve the minutes of the August 28, 2001 meeting. Mr Ashley seconded and motion was carried.

FINANCIAL REPORT: Mr. Lemma stated that Mr. Laton has completed the annual report for the Public Service Commission. Copies were handed out to Board members. Mr. Lemma said we are ready for the audit. He said nothing out of the ordinary showed up.

BLAKES CREEK: Pay Dunn Past Running Invoice in the sum of $ 10,723.19: Mr. Schmidt stated that this invoice is for various work done over the last 15 months. Mr. Saluja made a motion to pay Dunn Invoice in the sum of $ 10,723.19. Mr. Painter seconded and motion was carried.

Chairman Casto ask if there were any other business to discuss before we go into executive session.
Mr. Hypes stated that he had one item to address. He said with regards to the Long Range Control Plan. Mr. Hypes said that they were contacted on July 23, 2001 by letter to start working on the report. He said they reported last month that they would have a draft copy ready for this meeting. Mr. Hypes said that last Thursday they received a call from the General Manager and was ask to stop working on the plan. Mr. Hypes said they have a document that is about 90% complete. Mr. Hypes said they would like to finish the document.
The Board discussed this issue and decided not to have Dunn Engineers to complete the document.

Executive Session: As there were no further business to conduct Mr. Saluja moved to go into executive session. Mr. Painter seconded and motion was carried.

Chairman Casto said that based on discussions in the executive session, the chair is now open to nominations for four engineering firms.
Mr. Painter made a motion to limit the ten proposals to four. He said in no certain order the four will be Terradon, S&S, Ghosh and Dunn Engineers will be the companies short listed for evaluation. Mr. Saluja seconded and motion was carried.

ADJOURNMENT: As there was no further business to discuss Mr. Saluja made a motion to adjourn. Mr. Painter seconded and motion was carried.

Chairman, Rusty Casto

Member, Arden D. Ashley

Member, H. Kim Painter

Member, Joseph Brewer

Member, B. S. Saluja

General Manager, Secretary, Danny L.Lewis

ORDINANCE NO. 01-14

ORDINANCE OF THE CITY OF NITRO TO ANNEX BY MINOR BOUNDARY ADJUSTMENT A CONTIGUOUS PARCEL OF LAND KNOWN AS THE REPUBLIC CONTAINER 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 a certain parcel of land currently outside the corporate limits of the City, which parcel is contiguous to the City and is more fully set forth in a metes and bounds description and is more fully shown on a map thereof, both of which are attached hereto.

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance, and that the parcel 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.

Passed on first reading: October 2, 2001.
Passed and adopted on second reading: November 6, 2001.

Rusty Casto, Mayor

Joan McClanahan, Recorder

LEGAL DESCRIPTION
FOR ANNEXATION OF
REPUBLIC CONTAINER COMPANY PROPERTY
PREPARED FOR
THE CITY OF NITRO

Commencing at the point in the westerly line of First Avenue in the City of Nitro where the same is intersected by the northwesterly prolongation of the centerline of 19th Street, 50 feet wide, as located easterly of First Avenue; thence North 49°56' West along the centerline of 19th Street, 50 feet wide, and crossing the base line of the railroad of CSX Railroad (formerly The New York Central Railroad Company) at Railroad Chainage Station 15587+24.2, a distance of 149.44 feet to the principal place of beginning of Republic Container Company property, Deed Book 2103, Page 98, said point being further identified as Coordinate North 36+17.57 and East 36+08.55 referenced to the Coordinate Survey entitled "A Primary Reference System" established in 1918 by the United States Government;

Thence leaving the centerline of said street along the easterly boundary of Republic Container Company North 21°19' East a distance of 26.40 feet to the true point of beginning this annexation, said point being the intersection of the easterly boundary of Republic Container Company property and the northeasterly right-of-way line of Viscose Road, being the existing corporation line of the City of Nitro;

Thence North 49°56' West along a northeasterly line of said right-of-way line through Republic Container Company property, a distance of 324.56 feet to a point marked by an iron pin in the northeasterly line of said street and in the northeasterly corporation line of the City of Nitro, said point being at an angle in the southwesterly line of the land of said Railroad Company and being at Coordinate North 37+35.15 and East 32+95.94 of said Primary Reference System;

Thence North 45°30' West along a southwesterly line of the land of said Railroad Company and being along the northeasterly corporation and right-of-way line of said City, a distance of 155.20 feet to a point, said point marking the common corner of Genuine Parts Company, Deed Book 2146, Page 441, being at Coordinate North 37+90.13 and East 31+50.81 of said Primary Reference System;

Thence along the division line of Genuine Parts Company North 21°19' East a distance of 798.16 feet a point, said point marking a common corner of the aforesaid CSX Railroad and being at Coordinate North 45+87.56 and East 31+16.92 of said Primary Reference System;

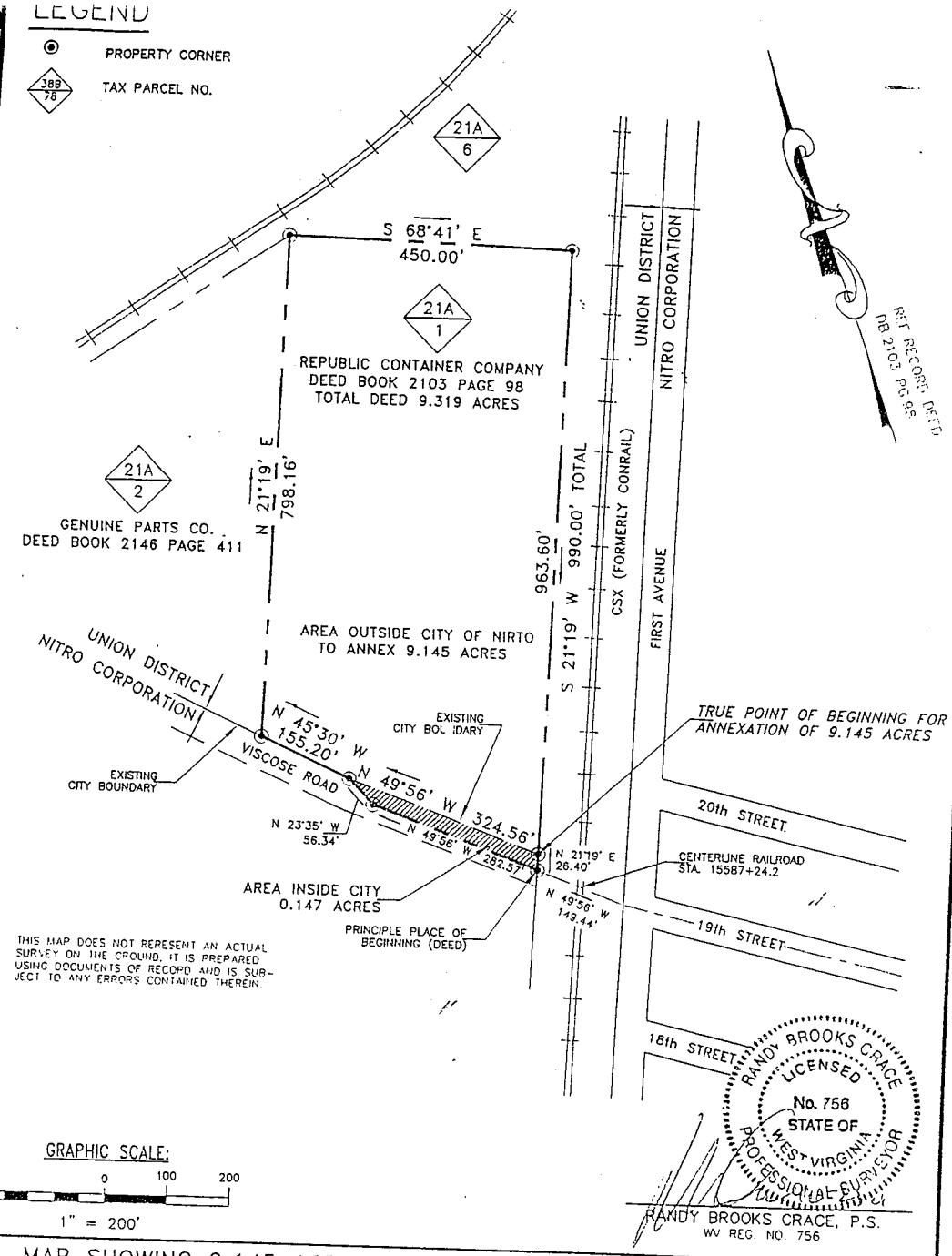
Thence with the division line of CSX South 68°41' East a distance of 450.00 feet to a point, said point being at Coordinate North 46+06.67 and East 35+66.51 of said Primary Reference System;

Thence with the division line of CSX South 21°19' West a distance of 963.60 feet to the true point of beginning, and containing 9.145 acres more or less, as shown upon a map prepared by S & S Engineers, Inc. of Charleston, West Virginia dated October 22, 2001 bearing the signature and seal of Randy Brooks Crace West Virginia Professional Surveyor No. 756.

Reference is made to that certain survey entitled "Map Showing Parcel of Land Located In Union District, Kanawha County, WV, Presently Owned By Republic Steel Corporation", dated July 9, 1985, prepared by Field Engineering Company.

10-23-01

S&S ENGINEER



MAP SHOWING 9.145 ACRE TRACT OF REPUBLIC CONTAINER COMPANY IN UNION DISTRICT TO BE ANNEXED INTO THE CITY OF NITRO

SITUATE ON VISCOSE ROAD (19th STREET EXTENSION) AND BEING PARTLY INSIDE CITY OF NITRO AND THE BALANCE BEING IN UNION DISTRICT, KANAWHA COUNTY, WEST VIRGINIA

PREPARED FOR THE CITY OF NITRO

SCALE:	1" = 200'
DATE:	OCTOBER 22, 2001
DRAWN BY:	SHC
CHECKED BY:	RBC

S & S ENGINEERS, INC.

S & S ENGINEERS, INC.

501 EAGLE MOUNTAIN ROAD
CHARLESTON, WV 25311

PHONE (304) 342-7168
FAX (304) 342-7169

PROJECT:	REPUBLIC
DRAWING:	REPUBLIC.DWG
APPROVED BY:	RBC
SHEET 1 OF 1	

CITY OF NITRO

COUNCIL MEETING MINUTES

NOVEMBER 20, 2001

Mayor Casto 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 A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present was City Attorney April Robertson. Absent were Councilmen at Large Richard Savilla, Tim Sizemore and City Treasurer Ralph Allison.

Mayor Casto welcomed Pam Green and Desiree Hurley, students from the University of Charleston who came to observe the Council Meeting.

MAYOR CASTO ASKED EVERYONE TO PLEASE STAND AND JOIN IN THE PLEDGE OF ALLIEGANCE.

THE INVOCATION WAS GIVEN BY IVAN MEADOWS.

AGENDA ITEM NO. 1 - COUNCIL MEETING MINUTES 11-6-01:- COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE COUNCIL MEETING MINUTES OF NOVEMBR 6, 2001 BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 - BIDS - GARBAGE TRUCK: - Mayor Casto passed the sealed bids to members of Council. Councilman David Miller opened the bid from R. F. Steiner and Co. from Huntington. They submitted two bids, one for a 2002 International 4900 for a cost of $81,772.00 and the second truck was a 2002 International 4400 truck at a total cost of $83,730.00. This truck is complete and ready for delivery and the first truck has a delivery time of 90 to 120 days.

Councilman A. A. "Joe" Savilla opened a bid from WV Tractor Company for $83,941.00, with two alternates and an option. The first alternate was for $84,104 for a Leach Alpha-Hip equipped exactly as bid, but mounted on a 2001 International 4900 cab. The second alternate was for a Leach Alpha Hip mounted on a 2002 GM cab. The option has a hinged side door that was not in specs, but on the last packer there was a hinged side door with an additional cost of $240.00.

Councilman Bobby Smith opened a bid from McNeilus and they also made two bids. The first bid was for a 2001 International for $86,670.00. The second bid was for a 2002 International for $87,870.00.

Mayor Casto formed a Committee consisting of City Recorder Joan McClanahan, City Treasurer Ralph Allison, Public Works Director A. J. Hill along with himself to review the bids. Mayor Casto invited any other member of Council that would be interested in coming. COUNCILMAN A. A. "JOE" SAVILLA MOVED A MEETING BE SCHEDULED TUESDAY, DECEMBER 4, 2001 AT 10:00 A.M. TO COMPARE THE BIDS, SECONDED BY

COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 3 - 19TH STREET PARKING: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler said the newspaper reports that cities other than Nitro have been dealing with residential parking. South Charleston and Charleston's policy has been that it depends upon the congestion on a street and the amount of time the street is congested. In this evenings paper, the City of Charleston had passed a plan for their residential parking after studyng the congestion in which people would be charged fees to get these permits to make those streets residential. She said they have been dealing with this for several weeks, but on 19th Street which has nine houses on the street, two of which are vacant. Three of those seven houses that are left have driveways, and one of those four houses that are left has a reserve handicapped parking place. Basically, we have the entire street reserved for three cars. After research on this matter, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE RESIDENTIAL PARKING BE REMOVED FROM 19TH STREET, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. Councilman A. A. "Joe" Savilla said this had been discussed at the last meeting, and it was decided that we really didn't have a problem there. Councilman David Miller said he spoke with Ms Knight with the PTO, and they had talked about temporary parking such as pickup and delivery and they were in favor of that. Councilwoman at Large Brenda Tyler said she feels residential parking on the West side is almost mandatory because we have Nitro High School students parking all day long in front of people's homes. She said she thinks that anytime we have an area that stays congested with nonresidential parking we have a need there, but when we have an area that is congested from 15 to 30 minutes a day, she feels it is unnecessary to make the street residential parking only. Councilman David Miller said if we pull it away, the chance of getting the county to do anything to help us will be removed. They are planning on trying to get the county to go forward with angle parking. He said he feels we should leave this in place until we cross that bridge. COUNCILWOMAN AT LARGE BRENDA TYLER WITHDREW HER MOTION, AS DID CITY RECORDER JOAN MCCLANAHAN WHO SECONDED THE MOTION . COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THIS MATTER BE TABLED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. Councilwoman at Large Brenda Tyler said she would have this put into a committee and address the requirements and how residential parking will be handled. Councilman David Miller added this could be part of the traffic committee. He also said we have businesses operating from homes and this causes some congestion too. Councilman Harry Miller, III said we might want to schedule a Planning Committee Meeting to discuss that objective as well as some others, and set some directions of what we want to do in the next six months or so.

AGENDA ITEM NO. 4 - FISHING TOURNAMENT: - In Councils' information packets, there is a letter from the Division of Natural Resources giving the City permission to have a Fishing Tournament. The Mayor was looking at a date of December 15, to have it. There are funds set up for tourism in the City through the hotel-motel tax and City Treasurer Ralph Allison said this money could be used for this purpose. Councilwoman at Large Brenda Tyler said this would be the only way she would support a fishing tournament if there are funds available and wouldn't be coming out of the city budget. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE CITY HOLD A FISHING TOURNAMENT ON DECEMBER 15, 2001 AT RIDENOUR LAKE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto added that it would cost $500.00 to purchase the trout. He advised that in the catfish tournament they raised approximately $2,500 for the playground. The trout tournament will be from 7:00 a.m. until 4:00 p.m.

AGENDA ITEM NO. 5 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. City Attorney April Robertson said at the last meeting there was a question as to what provisions are in place in the event of a vacancy in any municipal elected office. The State Code provides for filling that vacancy by appointment of the governing body until the next regularly scheduled municipal election unless there is another provision in the City Charter or the City Code. City Attorney April Robertson said if there is not anything in the Charter or the Codified Ordinance, does Council want her to work up some sort of a draft that would provide any alternative methods, the one that is provided in the State Code or appointment by the City Council. Councilman Harry Miller, III said that what we now have sounds perfectly adequate to him, and City Recorder Joan McClanahan agreed.

AGENDA ITEM NO. 6 - RALPH ALLISON: - Not Present.

AGENDA ITEM NO. 7 - MAYOR'S COMMENTS: - Mayor Casto said he wanted to thank the City Recorder Joan McClanahan for conducting the last council meeting. He said he was at Canaan Valley at a grant writing workshop. A gentleman from RBC will be coming down next week and meeting with some of us, and advise what to do and look for in low income grants.

Councilman Bobby Smith asked if the City has a dog law, and Mayor Casto advised we do. You are not allowed to have a dog running loose and you must have a license. There is also a leash law, and a barking dog nuisance law. Councilman Smith advised there are a lot of dogs running loose, and Mayor Casto told him he should contact the Humane Officer Gary Fisher and he would pick them up. Councilman Bobby Smith said he received several complaints over dogs barking and running loose in his neighborhood.

Councilman A. A."Joe" Savilla said he received a copy of a letter to the Mayor from the WV Department of Environmental Protection. He said Mayor Casto has been Mayor for 5 ½ years and feels he should write a letter to Governor Wise and Secretary Mike Callaghan and advise them that Mayor Casto has been Mayor of the City of Nitro for 5 ½ years. Councilman Savilla said he thinks it is ridiculous that we don't have better communication.

Councilwoman at Large Brenda Tyler announced the Christmas Parade, Saturday, December 1, 2001 at 6:00 p.m. She said I'm not doing this by myself, I expect all of you to be there. Councilwoman Tyler said she wanted to thank the Director of Public Works A. J. Hill and his department for getting the Christmas lights up.

City Recorder Joan McClanahan said she would like to express her gratitude to everyone who came to the Veterans Day Ceremony. It was very nice. She said she especially wanted to thank Councilwoman Brenda Tyler and Councilman Tim Sizemore for being there.

Mayor Casto wished everyone a nice Thanksgiving.

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
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

DECEMBER 4, 2001

Mayor Casto 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 Rich Savilla, 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.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

Mayor Casto asked everyone to please stand and join in the Pledge of Alliegance.

AGENDA ITEM NO. 1 - APPROVAL OF 11-20-01 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE 11-20-01 COUNCIL MEETING MINUTES BE APPROVED AS WRITTEN, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED WITH COUNCILMEN AT LARGE RICH SAVILLA AND TIM SIZEMORE ABSTAINING.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto announced the Citizens of the Month for December, 2001 were the coaching staff of Poca High School and members of the AA championship football team. Coach Bob Lemley introduced the members of the team. A big round of applause was given the coaches and players. Council expressed their congratulations and compliments. Mayor Casto presented the coaching staff gift certificates from Diehls.

Coach Lemley announced they were having an assembly Friday morning at 8:15 a.m. followed by a parade and invited everyone to come.

Mayor Casto introduced Mark Bright from the Nitro Eagle 4H Community Club. Mr. Bright advised they came tonight to present a check as their donation to the new playground. They had a car wash to earn this money. The leaders were Mark Bright and Pam Jeffries and the members Ashlynd Bright, Sharayah Jeffries and Gareth Taylor. They presented the Mayor with a check for $100.00. A big round of applause was given to them.

AGENDA ITEM NO. 3 - AWARDING OF BID - GARBAGE TRUCK: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison informed we advertised for bids for a garbage truck which was in the budget and the bids were opened at the last Council Meeting. A meeting was held this morning to review the bids. Present were Mayor Casto, City Recorder Joan McClanahan, Treasurer Ralph Allison and Director of Public Works A. J. Hill. After discussion and review, A. J. Hill discovered the bid from R.F. Steiner Co. from Huntington did not meet the specifications we had and they were eliminated. WV Truck & Tractor Co. was $84,104

and McNeilus's bid was $86,670. Both trucks were almost identical, but the WV Tractor had a different brand name packer than McNeilus and the Leach packer is the same type we have on the one we have now, and we have been having trouble with it. They say they have updated it, and corrected the problems, but the Director of Public Works A. J. Hill said he feels more comfortable going with McNeilus at a price of $86,670.00. They have one in stock now and this will be setup on lease purchase which will be around $3,000 a month for 30 months. CITY RECORDER JOAN MCCLANAHAN MOVED WE ACCEPT THE PROPOSAL, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 4 - RESOLUTION FOR GRANT: - Mayor Casto said he found a possible grant for the playground of $35,000. The resolution would allow the Mayor to make application and sign the necessary papers. This doesn't say we will get the grant, but it will allow the Mayor to apply for the grant. COUNCILMAN A. A."JOE" SAVILLA MOVED FOR THE APPROVAL OF THE RESOLUTION, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

RESOLUTION 01-12 ATTACHED.

Mayor Casto said he would have to leave at this time to make the presentations at the Girls Basketball game.

City Recorder Joan McClanahan said she spoke with Aaron Underwood who is involved with the show choir, and all the show choirs from Putnam County will be performing at the Kathy Mattea Auditorium December 18, and asked the Mayor if he wanted to change the date of the next Council Meeting. After discussion, COUNCILMAN A. A. "JOE" SAVILLA MOVED WE CANCEL THE DECEMBER 18, COUNCIL MEETING AND CHANGE THE MEETINGS IN JANUARY FROM THE 1ST AND 3RD TUESDAY TO THE 2ND AND 4TH TUESDAY, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. If anything comes up an emergency meeting can be called.

Mayor Casto announced that next Tuesday at 1:00 p.m. there is a meeting with FMC and the DEP Board to discuss the FMC cleanup of the Smith Street Landfill.

Mayor Casto left and presiding was City Recorder Joan McClanahan.

AGENDA ITEM NO. 5 - ZONING BOARD OF APPEALS: - COUNCILMAN A. A. "JOE" SAVILLA 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.

ZONING BOARD OF APPEALS MINUTES ATTACHED

AGENDA ITEM NO. 6 - APRIL ROBERTSON:- City Recorder Joan McClanahan yielded the floor to the City Attorney April Robertson. City Attorney April Robertson said she was waiting for additional information from the Mayor regarding the annexation.

AGENDA ITEM NO. 7 - RALPH ALLISON: - City Recorder Joan McClanahan yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said we have talked in previous council

meetings about copies of Nitro City Code books for everybody. He said he had a memo from Walter H. Drane Co. The cost to reprint 15 copies of the Nitro Codified Ordinances in hardback binders incorporating the legislation from August, 1998 and January 1, 2002 would be $3,800.00. They advised that because of the future nature of the employment provisions adopted, they recommended this material not be codified, but referred to by Chapter 157. Mr. Allison said this amount seems a little high, and we might only need 9 hardback copies and 6 soft covers. City Attorney April Robertson said the Zoning Ordinance might be changed. Councilman at Large Tim Sizemore asked if this couldn't be referenced as well as the employment provision because it will probably be lengthy. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE TREASURER RALPH ALLISON BE ALLOWED TO SPEND UP TO $3,800 FOR THE CITY CODE BOOKS, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 8 - MAYOR'S COMMENTS: - Councilman Harry Miller, III said that besides the cosmetic renovation of the Fire Department, the Fire Department is in the process of installing the communication console. We will be able to tone out any west end Kanawha County unit and Putnam County units.

Councilman A. A. "Joe" Savilla said he was very pleased at the turn out for the parade.

Councilwoman at Large Brenda Tyler said she is assuming she will be in charge of the parade next year, and Council agreed.

City Recorder Joan McClanahan informed that Mayor Casto put the parade date and time on the 2002 calendar. She also complimented the Public Works Department on their vehicle in the parade.

Councilwoman at Large Brenda Tyler also complimented the Public Works Department and said the Church of God had a nice float also.

Councilwoman at Large Brenda Tyler said she wanted to say thank you to the Public Works Department and the Police Department and wish everyone a Merry Christmas.

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

MAYOR RUSTY CASTO

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

RESOLUTION 01-12

At a regular meeting of the Nitro W.V. city Council
Governing Body of Applicant
held on the 4th day of December, 2001, the following order was made and entered;

Subject: Land and Water Conservation Fund Application

For: City of Nitro Handicap childrens playground fund
Project title and description
- We are raising $85,000 to build a handicap accessible childrens play ground. we have raised $50,000. in grants, fundraising efforts and donations.

in the amount of $ requesting 35,000 dollars

Whereby, the City of Nitro city Council authorizes
Governing Body of Applicant
Rusty Casto, mayor to submit an application to the
Authorized Local Official
State of West Virginia requesting funding for the above-mentioned project out of the Land and Water Conservation Fund. The
City of Nitro city council
Governing Body of Applicant
authorizes Rusty Casto, mayor to sign any and all
Authorized Local Official
documents and papers which accompany or are part of this application, and any and all documents and papers necessary for the completion of the project should it receive National Park Service Approval.

The City of Nitro city council agrees to abide by all
Governing Body of Applicant
rules and regulations pertaining to the Land and Water Conservation Fund Program, and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Fund should this project receive Federal assistance.

The adoption of the foregoing motion having been moved by Councilman A. A. "Joe" Savilla, and duly seconded by Councilman David Miller, the vote thereon was as follows:

Member	Vote
Member	Vote
	Vote

Whereupon Mayor Rusty Casto, President, Mayor, Chairman declared said motion duly adopted; and it is therefore adjudged and ordered that said motion be, and the same is hereby adopted.

Signature

Signature

Approved by _____
County/City Attorney

Signature

CITY OF NITRO
ZONING BOARD OF APPEALS

November 29, 2001

Meeting to discuss permission to keep trailer moved onto property to replace old trailer: PO Box 7350 Cross Lanes, WV 25356.

Board Members Present:

Shelley Kostelansky
Pam Brewer
Judy Hartigan
Charles Mann
Bert Turley
Also present Building Inspector-Bryan Casto

At issue:
-keep present trailer in area not zoned for trailers
-safety of chlorination unit
-there were supporting documents:
pictures of existing area, letter of request, map of property

Issues discussed:
-area is not zoned for mobile homes
-property belongs to treatment plant
-trailer existed there before removed and new one placed on property
-first trailer was given a variance by the Zoning Board of Appeals
-replaced double trailer with single
-owner of trailer is paying mortgage on trailer but not rent for land
-owner works for Union PSD
-chlorination unit would be protected by watchman, he also has resources to make sure proper contacts were made incase of problem

Conditions considered by the board:
-all the above

Decision:
-The variance was granted by all

Motion was given by Bert Turley and seconded by Charles Mann.

CITY OF NITRO
ZONING BOARD OF APPEALS

November 29, 2001

Meeting to discuss permission to keep carport in front of home:
907 Main Avenue Nitro, WV 25143.

Board Members Present:

Shelley Kostelansky
Pam Brewer
Judy Hartigan
Bert Turley
Charles Mann

Also present Building Inspector-Bryan Casto

At issue:
-petition to keep the existing carport
-there were supporting documents:
pictures of existing area, names of neighbors supporting Mrs. Fridley, copy of building permit issued by the City of Nitro

Issues discussed:
-the carport keeps them from weather, easy access to home
-physical disabilities keep them from being able to easily move around to door (women was 81 years old and daughter was blind)
-not on city property
-the access to the back of the house is very muddy and not safe, must go through alley
-does block neighbors view
-when received building permit brother in law was told they could not put it where the water runs into neighbors yard
-petiton was preseted to the committee with signatures of neighbors
-one neighbor was there to back their opinion
-only given variance to actual family that owns it now, if sold must come down or be given a new variance if criteria is met

Conditions considered by the board:
-all the above
-they agreed to restrictions applied by the Zoning Board of Appeals and in the event the property is sold they agreed to removal or relocated.

Decision:
-The variance was granted in accordance with restriction that if house is sold it must be brought before the board again or taken down.

Motion was given by Judy Hartigan. and seconded by Shelley Kostelansky.

Board Members:

CITY OF NITRO

COUNCIL MEETING MINUTES

JANUARY 8, 2002

Mayor Casto called the 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 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.

THE INVOCATION WAS GIVEN BY COUNCILMAN BOB SMITH.

AGENDA ITEM NO. 1 - APPROVAL OF 12-04-01 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE 12-4-01 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 - BUSINESS OF THE YEAR: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan who reminded everyone that Casto Hardware Business of the Year Award had been setup for Business of the Year in honor of Evelyn and Corky Casto. Several businesses were considered for this award, and after much consideration Fruth Pharmacy was chosen to receive this award. They are super cooperative and go out of their way to help us, as have most of the other businesses in town. Mayor Casto and City Recorder Joan McClanahan met with the Manager, Ginny Young, Monday morning and presented Fruth's of Nitro the award. Ben Caldwell the reporter for Metro West was present for this presentation. Fruth's was very appreciative of the award. Mayor Casto said they invited Mr. Fruth to come to our Council Meeting, but due to the road condition, they didn't want him to drive up from Pt. Pleasant this evening, but hopefully he will be present for the next Council Meeting. Mayor Casto said Fruth has done a lot for us; they donated a Gingerbread House for a raffle and raised almost $400.00 toward our playground.

AGENDA ITEM NO. 3 -BLUE MASS: - Mayor Casto yielded the floor to Councilman at Large "Joe" Savilla. Councilman Savilla announced the Catholic Church is having a Blue Mass, Thursday, January 10, at 6:30 p.m. to honor all police, fire and emergency personnel. He advised that several of the firemen, policemen and emergency workers killed in New York were members of the Knights of Columbus. All of the Nitro and surrounding area Policemen, Firemen and Emergency Personnel are invited to come to St. Francis of Assisi Church on 7th Avenue in St. Albans for the Blue Mass. Mayor Casto added that Council was also welcome, but he was going to be out of town.

AGENDA ITEM NO. 4 - SMITH ST.LANDFILL: - Mayor Casto met with members of EPA, State DEP, representatives from FMC, representatives from Spilman, Thomas and Battle, Mr. Smith and Director of Public Works Alex Hill at 10:00 a.m. this morning to discuss the next step on the Smith Street Landfill. After the meeting, they left his office and actually walked the landfill. Mayor Casto said he feels by the next Council Meeting, FMC will be presenting them with an agreement. City Attorney April Robertson said she had to withdraw from representation of the City in this particular matter. Mayor Casto said we should know something by the next

Council Meeting, and then we will do a site analysis and determine what is in the soil and what will be needed to bring it up to a boat launch standard. Councilman at Large Tim Sizemore said he wanted it to go on record that the ultimate goal is to build a boat ramp, and he has spoke with EPA a half dozen times. Councilman David Miller said that during their first administration, Councilman at Large Rich Savilla, Mayor Casto and himself worked on this, but they didn't get anywhere. Mayor Casto told them there was overwhelming support from the present Council. City Recorder Joan McClanahan wasn't able to be present during the meeting as she had a previous commitment with an insurance agent. City Recorder Joan McClanahan said she had a map of the area and the proposed site for Councils' review, AND MOVED THAT WE MAKE THIS A MATTER OF OUR RECORDS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

MAP ATTACHED.

Mayor Casto said he wanted to call a public meeting during Council Meeting with members of the DEP and invite the neighborhood to let them know exactly what we want to do and what will be done after we get the site analysis.

AGENDA ITEM NO. 5 - 1ST READING ORD. ON CODE BOOK PAGES: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She explained that each member of Council was furnished a copy of the ordinance which is basically a formality. It is an ordinance to approve current replacement pages to the codified ordinances. CITY RECORDER JOAN MCCLANAHAN MOVED THIS ORDINANCE BE APPROVED ON THE FIRST READING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. The Treasurer Ralph Allison passed out the new code books to members of Council and the City Attorney.

AGENDA ITEM NO. 6 - CITY-WIDE CLEANUP: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler said members of Council were furnished a copy of the registration for the 2002 Statewide Cleanup program that is being sponsored by the WV Divisions of Natural Resources and Highways as well as the WV Department of Environmental Protection. She said it was her understanding that you can register with the state and ask for assistance in hauling, landfill fees paid as well as gloves and trashbags. She said she would like to speak with Alex Hill, Director of Public Works and if he agrees with this, she MOVED FOR US TO SET APRIL 6, AS THE DATE FOR CLEANUP IN THE CITY. MOTION SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. City Attorney April Robertson reported the Republic Container annexation proposal was submitted to the Kanawha County Commissioners and they set it for a hearing on February 14, Valentines Day at 5:30 p.m. It will be at the Kanawha County Planning Commission the day before, February 13, at 7:00 p.m. Notice of the Hearing will be in the newspaper January 31, and February 7. It is also required that 5 notices of the hearing be posted in the area. She will give the City Recorder Joan McClanahan information on this for posting. Councilman at Large Tim Sizemore said he would take care of placing the signs.

AGENDA ITEM NO. 8 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison informed that he would like to call the first budget meeting for the year ending June, 2003 for February 11, 2002 at 7:00 p.m. at City Hall. He said he

requested Department Heads to turn their budgets in by February 1, and hopes it will go as smooth as it did last year.

Mr. Allison said he furnished a proposal from the Police Department for the lease-purchase of 12 new cruisers. This would be over a 5 year period, with an annual cost of $86,000 per year, total cost of $367,250.00, with no payment for one year. Mr. Allison advised that we are currently budgeted for 15 policemen, and we have 3 vehicles that are in decent enough shape to keep, plus one jeep. The main purpose is to try to get each policeman his own vehicle and make him responsible for it and save us money on repair cost. Mr. Allison said this sounds like a lot of money, but with 15 policemen we are probably going to have to budget for two new cruisers every year for the next five years. They are currently $27,000 each fully equipped. Mr. Allison said he spoke with our mechanic and knew we can save at least $20,000 a year. Mr.. Allison informed Council that the money would have to go in next years budget. Council agreed to look at this proposal.

AGENDA ITEM NO. 9 - MAYOR'S COMMENTS: - Councilman David Miller said there is a hydrant that has a leak on 10th Street. He reported WV Water Co. came by and looked at it, but they haven't done anything about it. He said he has two major concerns about this and one is that if it is leaking through there is a good chance it will freeze up and be useless if needed. The second concern is that it is causing a hazard on 10th Street. It needs to be taken care of. Mayor Casto said he called the water company twice about this and they have had so many water mains break. He said he wasn't sure if this was the reason they haven't got it fixed, but he definitely called them. Councilman Miller said maybe the fire department could contact the water company and try to get this matter resolved or our attorney could contact them. April Robertson said she would call them tomorrow.

Councilman A. A. "Joe" Savilla said the light on 40th Street between Third Avenue and the bridge keeps coming on and going off, and this needs corrected.

Councilman A. A. "Joe" Savilla asked Chief Jordan what he wanted Council to do regarding the letter he gave the members of Council. Chief Jordan said basically we have two police officers that tied on the test. He was advised they could do one of two things, that is to draw straws or to do testing again. Chief Jordan said he didn't think it would be fair to flip a coin and the officers would probably make the same score if tested again. COUNCILMAN TIM SIZEMORE MOVED WE MAKE ANOTHER SERGEANT'S POSITION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. COUNCILMAN SAVILLA SAID HE APPRECIATES THE MONTHLY ACTIVITY SUMMARY THE CHIEF FURNISHES COUNCIL EACH MONTH.

Councilman David Miller said during the bad weather he wanted to commend all the departments on their hard work. The streets were kept clear, fire department made their calls and the police department did their job. He wanted to give them a pat on the back.

Councilwoman at Large Brenda Tyler said she received several calls from people complimenting the work done by the departments and how much they appreciated it.

Councilman at Large Tim Sizemore asked if there is a Zoning Board of Appeals meeting Thursday night. Bryan Casto advised there was a Zoning Board of Appeals meeting scheduled for

6:30 Thursday evening. He asked if they were going to discuss the Sanitary Board/Council joint committee.

Councilman Harry Miller, III advised that at the last meeting, they discussed some of the requirements and some of the numbers that are going to be required to get into CSO compliance. They asked the engineers and the board staff to get some more numbers together on specific items and the Sanitary Board is going to prepare some financial scenarios by different approaches to dealing with this. After it has been discussed in committee, they will bring it to Council once they have a chance to look them over and prioritize them. Councilman Harry Miller, III said they had a meeting scheduled next Thursday, and expects by the end of this month or the first of February to have something to bring to Council.

Councilman at Large Tim Sizemore asked Mayor Casto if he spoke with the City Attorney about the wells on the Fike/Artel areas, and Mayor Casto asked if Maximus had contacted her regarding wells. Councilman at Large Tim Sizemore said they wanted the City to pass an ordinance where there can't be any water wells drilled in a certain area. He said there may be a need in the future where this may not be sufficient; we may need to do this on a city-wide basis. We have an ordinance, but it's not as specific as they desire.

Councilwoman at Large Brenda Tyler said she received a phone call from Mr. Taylor, President of the company we are planning to order the playground from. Mr. Taylor has a proposal for our consideration. The price they quoted is subject to take a raise, and so that we wouldn't have to put in anymore money, we place an order for this playground with payment not due until May. This proposal was also run by the Mayor. The question she has is if we would order this with the payment due in May, if we did not have the money, could we do a lease-purchase with the payment not due for a year and this would give her a year and 5 months to raise the other $30,000 she needs to pay for the playground without costing the city anything. We have around $50,000 to $55,000 now. City Treasurer Ralph Allison said in answer to Councilwoman Tyler's question is that as long as it qualifies for lease-purchase and they would be willing to do it. Councilwoman at Large Brenda Tyler said she feels we will have all the money by May, but she didn't want to commit the City on the playground equipment. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE PUT THE PLAYGROUND EQUIPMENT ON LEASE PURCHASE TO EXPIRE JUNE 30, 2004, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED. Councilwoman at Large Brenda Tyler informed that Mr. Taylor confirmed that this would be the largest park in the tri-state area.

City Recorder Joan McClanahan said it was heart warming to see the youngsters having such a great time at Ridenour Lake during the recent snow fall. She said there were almost as many adults as children.

Councilman David Miller said we should check on one night renting of a lighting tower, and put it close to where the road turns the next time we have a major snow fall. Mayor Casto said he would check on the cost.

Councilman David Miller said he was sure that everyone noticed how well our "don't go out on the ice signs" have worked. He said the signs need to be put back up and enforced if possible. Councilman at Large Tim Sizemore advised we only have one sign left.

City Recorder Joan McClanahan said she had a meeting with our insurance agent today, and he mentioned the potential liability and stressed the need for enforcement. He is going to write a letter stating this.

Councilman David Miller asked if Mike Lamb is still assigned to the Lake during the summer hours, and was told he was. Councilman Miller said Mike could stay up there during the daylight hours and tell the people to stay off the ice. Then, when the park closes and if someone is on the ice, they are on their own.

Councilman at Large Tim Sizemore said he was pleased that they were going to close the gate across the lake side. There is too much mischief going on there.

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

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

JANUARY 22, 2002

Mayor Casto 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 Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent were Councilmen A. A."Joe" Savilla and David Miller.

COUNCILMAN AT LARGE RICHARD SAVILLA LEAD THE PLEDGE OF ALLIEGANCE.

THE INVOCATION WAS GIVEN BY COUNCILMAN BOBBY SMITH.

Mayor Casto announced that he extended an invitation to the Poca Show Choir to come to Council and sing the National Anthem. They will be here when there is not a basketball game scheduled.

AGENDA ITEM NO. 1 - APPROVAL OF 01-08-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF 1-08-02 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto announced the January citizens of the month are Jennie Boggess who made the White House Christmas tree ornament and the gentleman who ran the Olympic Torch through Charleston. He would like to have them come to a Council Meeting, but can't locate them at this time.

AGENDA ITEM NO. 3 - 2ND READING - ORD. CODE BOOK AMENDMENT PAGES: Mayor Casto yielded the floor to City Recorder Joan McClanahan. CITY RECORDER JOAN MCCLANAHAN MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. After reading title, "An Ordinance to Approve Current Replacement Pages to the Codified Ordinances, CITY RECORDER JOAN MCCLANAHAN MOVED WE ADOPT ORDINANCE ON SECOND READING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

ORDINANCE 02-01 ATTACHED.

AGENDA ITEM NO. 4 - PRESENTATION OF HONORS BY CHIEF JORDAN: - Mayor Casto yielded the floor to Chief Jack Jordan. Chief Jordan informed that November 6, we had two police officers who responded to a call of a burning trailer on Route 25. Upon arriving at the scene, they discovered there was an individual in the residence who was an invalid. The two officers got on their hands and knees and crawled through the house and drug the guy out to safety. After they got him outside, they performed CPR until paramedics arrived. Chief Jordan said this

was an act of heroism that needs to be recognized. Sgt. Joe Crawford from the St. Albans Police Department said on November 6, he pulled up at the site and there were flames literally covering the front part of the trailer and flames shooting out the side windows. He said there is no doubt in his mind that if these guys hadn't acted appropriately the way they did, the elderly gentleman would have perished in the fire. Officers Brian Oxley and D. K. Richardson were awarded Medals of Valor for this act. A big round of applause was given to these officers.

A reception was held after Council Meeting.

AGENDA ITEM NO. 5 - RES. AUTHORIZING MAYOR TO SIGN CONTRACT, ETC. - Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan advised this resolution authorizes the Mayor to sign and submit the Legislative Digest Information Sheet to the WV Development Office. This is for the paving of Ortin Heights Cemetery Road. CITY RECORDER JOAN MCCLANAHAN MOVED WE ACCEPT THIS RESOLUTION AND MAKE IT PART OF OUR MINUTES, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

RESOLUTION ATTACHED.

AGENDA ITEM NO. 6 - RECOMMENDATIONS FROM INS. EXCHANGE: -Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan read a letter from Insurance Exchange, Inc., signed by J. R. Marshall, Jr., with recommendations from Mitch Foster of the Board of Risk and Insurance Management. RECORDER JOAN MCCLANAHAN MOVED THIS LETTER BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

Councilman Harry Miller, III stated he had some questions in his mind about some of the recommendations regarding the skate park. He said regarding the sewer and water backup claims, the joint Council/Sanitary Board Committee is reviewing the upgrade of our sewer systems in compliance with CSO requirements. Those will be addressed, and recommendations forthcoming.

Recorder Joan McClanahan said they would be meeting with Mr. Marshall again, and when they do she may call on Councilman Harry Miller, III to see if he can meet with them. All members of Council are welcome to be there and be a part of it. She advised a lot of it has been taken care of as she was sure the police department already covers a lot of it and doesn't apply to us. We have no choice but to address it where we can in order to maintain our insurability. He did not recommend the skateboard park. Until 1999, they couldn't even get insurance on one.

The Skateboard Park will be addressed at budget meetings.

COPY OF LETTER FROM INSURANCE EXCHANGE, INC. ATTACHED.

AGENDA ITEM NO. 7 - ALLEY BEHIND MARRS JEWELRY: - Mayor Casto yielded the floor to Councilman at Large Tim Sizemore. Councilman at Large Tim Sizemore advised he went with our Code Enforcement Officer, and took measurements of the retaining wall behind Marrs Jewelry and they are going to keep an eye on it for a while. It is getting worse and Mr. Marrs asked the Mayor to bring this matter up. Councilman Sizemore said if the wall wasn't there, the street would fall in, and they will need to determine who is responsible for it.

Councilman Harry Miller, III thought we should have an engineer look at this, and Mayor Casto said we have an engineer coming down to look around the pool regarding the playground we ordered and he would ask him to look at the wall and ask the cost for an engineer's report and who is the property owner.

AGENDA ITEM NO. 8 - FIRE PENSION ESTIMATED EXPENDITURE BUDGET 2002: Members of Council were furnished a copy of the estimated fire pension expenditure budget for 2002. Councilman at Large Richard Savilla read the fire pension budget, AND MOVED IT BE MADE A PART OF THE COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

BUDGET ATTACHED

AGENDA ITEM NO. 9 - APRIL ROBERTSON: - Mayor Casto yielded the floor to City Attorney April Robertson. City Attorney April Robertson introduced an ordinance written as a bill that was submitted by attorney Kathy Trinkle for the firm and Mr. Warren Smull (DeMaximis). She had someone from her firm in the environmental law department review it and make it dovetail with the current EPA law regarding ground water, extraction and drilling She advised that this ordinance would be amending an ordinance we now have and in order to do this, it must be done by ordinance. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. Councilman at Large Richard Savilla read title, "A bill amending the Zoning Ordinance of the City of Nitro, West Virginia, enacted the 6th day of October, 1970, adding a new "Restricted Use" zoning district, which overlaps existing districts, in which the extraction of groundwater from any property located in such district is prohibited and drilling activities are prohibited from the surface of any property located in such district to gain access to groundwater at, beneath or flowing from such property, for potable or other purposes, except for the extraction of groundwater from or installation, modification, or repair of certain monitoring wells operated pursuant to the authorization of federal or state environmental officials." COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED FOR THE APPROVAL OF ORDINANCE ON FIRST READING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 10 - RALPH ALLISON: - City Treasurer Ralph Allison reminded Council of the budget meeting February 11, at 7:00 p.m. in City Hall.

Mayor Casto advised the water hydrant had been fixed thanks to our City Attorney April Robertson's work. He said he called the computer people twice, and a gentleman in Nitro and the fire department threatened to hose the road down while it was cold and between all of them, they got it fixed.

Councilwoman at Large Brenda Tyler advised she spoke with Mr. Taylor today and the playground has been ordered. The playground is becoming a reality. She gave Mayor Casto a check for $100.00 for a couple of bricks. She said this project is going very well, and if anybody is interested in purchasing a brick to help with the playground to get their money in right away because come May, we will see a new playground.

Councilwoman at Large Brenda Tyler received a BMX magazine which listed that on May 18 and 19, 2002, there will be a regional championship tournament in the City of Nitro. Also, the

Nitro track is recognized and some of the Nitro riders received recognition.

City Recorder Joan McClanahan asked the City Attorney April Robertson to brief Council on the relationship between the Nitro Development Authority and City Council. City Attorney April Robertson said the Nitro Development Authority was created by the City Council on October 2, 1990. By State Code it is up to the governing body of the municipality to create and establish the Development Authority. The Board should consist of not fewer than 12 nor more than 21 members also appointed by the City Council, and those members should represent business, industry and labor. One member of the board must be a member of the City Council also appointed by the City Council. City Council may at anytime remove any of the appointed members by official action at Council and thereafter appoint a successor of the member removed. Members may be removed for any reason. If and when a members term in office ends for any reason, a successor is appointed to fill the remainder of that term, and terms are for 3 years each. State Law also requires the Development Authority to keep a strict account of all its receipts and expenditures and make a quarterly report to City Council containing an itemized statement of its receipts and disbursements during the preceding quarter. Within 60 days from each fiscal year, the Development Authority must make an annual report containing an itemized statement of its receipts and disbursements for the year and publish that in a local newspaper. In addition the books and records and accounts of the authority are subject to audit and examination by a proper public official at anytime. The Development Authority was created by City Council and it can be extinguished by the City Council. Any and all members' terms can be terminated at anytime. Councilwoman at Large Brenda Tyler asked the City attorney if she would mail a copy of this information to Mr. Kniceley and the people that are now holding offices. Mr. Kniceley is President of the Nitro Development Authority at this time.

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

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 02-01 ADOPTED BY COUNCIL 1-22-02

INTRODUCED IN COUNCIL 1-08-02

AN ORDINANCE TO APPROVED CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is presently before Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA and PUTNAM COUNTIES, WEST VIRGINIA:

Section 1. That the ordinances of the City of Nitro, West Virginia of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, chapters, articles and sections within the 2001 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. That the following articles and sections are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

301.201	Passenger Van Defined. (Added)
331.01	Accidents Involving Death or Personal Injuries. (Amended)
331.06	Immediate Reports of Accidents. (Amended)
333.01	Driving Under the Influence. (Amended)
337.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
343.08	Stopping for Passenger Van; Signs and Warning Lights. (Added)
343.09	Obstructing Intersection or Crosswalk. (Amended)
345.18	Special Restrictions on Lights. (Amended)
349.03	Drivers' View and Control to be Unobstructed by Load or Persons. (Amended)
349.04	Passengers in Seat with Operator. (Amended)
349.08	Funeral Processions. (Amended)
349.13	Taking, Injuring or Tampering with Vehicle. (Amended)
349.21	Littering From a Motor Vehicle. (Added)
351.07	Persons Exempt From License. (Amended)
353.01	Commercial Drivers Definitions. (Amended)
353.04	Commercial Driver's License Required. (Amended)
353.06	Drivers Prohibited From Operating With Any Alcohol in System. (Amended)
361.03	Prohibited Stopping, Standing and Parking Places. (Amended)
361.04	Vehicles Parked on Private Property. (Amended)
361.07	Abandoned Motor Vehicles. (Amended)

501.02	Obstructing or Giving False Information to an Officer; Fleeing. (Amended)
501.04	False Reports Concerning Bombs or Other Explosive Devices. (Amended)
501.99	Penalty. (Amended)
521.99	Penalty. (Amended)
525.06	Tobacco Usage Restrictions. (Amended)
529.02	Assault and Battery on School Employees. (Amended)
541.01	Obstructing Railroad Crossings. (Amended)
541.99	Penalty. (Amended)
545.04	Persons Prohibited From Possession of Firearms. (Amended)
545.99	Penalty. (Amended)

This Ordinance shall take effect immediately upon passage.

Passed on First Reading January 08, 2002

Adopted on Second Reading JANUARY 22, 2002

Mayor

Joan McClanahan
City Recorder

CITY OF NITRO

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO, WV

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, a contract is required to be entered into between the West Virginia Development Office and the City of Nitro; and

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 sign and submit the **LEGISLATIVE DIGEST INFORMATION SHEET** to the WV Development Office and to also sign any contract documents following approval of the project by the Governor.

Adopted the 22nd day of January, 2002.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

INSURANCE EXCHANGE, INC.
801 Sixth Avenue, P.O. Box 599
St. Albans, West Virginia 25177
755-4369 - 727-9241 - FAX 727-3928

January 19, 2002

Mrs. Joan McClanahan, City Recorder
City of Nitro
P. O. Box 308
Nitro, WV 25143

RE Loss Control Survey of
November 9 &13, 2001

Dear Joan,

I enjoyed meeting with you and Ralph on the 8th to discuss the recommendations that Mitch Foster, of the Board of Risk and Insurance Management, wrote you about back in November. As we discussed, the intent of these recommendations is to help the City avoid future claims where possible, in an effort to help the City hold down it's cost of insurance and reduce the City's liability exposure.

Mr. Foster's first recommendation was for the City to begin running Motor Vehicle Reports on all new applicants for employment as well as all employees annually thereafter. As he stated, poor driving records generally indicate poor judgment and driving habits. By adopting this procedure, the City may help eliminate some of its auto claims. Also, it is much more difficult to defend the City in court if the City allows people with poor driving records to drive City vehicles. I appreciate the City's commitment to enact this procedure. I would urge you to have the City Attorney prepare a permission form for each applicant and/or employee to sign authorizing the City to do this. Mr. Foster may have left a sample form with you and when we meet again we will look through the information he left with you.

I have one other suggestion for helping to avoid auto accidents that Mr. Foster did not mention. We see a significant number of accidents involving large vehicles, primarily garbage trucks, when backing up. It is impossible to see directly behind these vehicles. Normally, there are at least two and sometimes three people working on a truck. If one of the workers would get out of the truck and direct the driver when backing, it will aide the driver in avoiding these types of accidents.

With respect to Mr. Foster's recommendation for the City to establish a policy for evaluating applicants and current employee MVRs, this is just enforcement of the first recommendation. It is recommended that the City create and adopt a policy which spells out what is acceptable and what is not, for driving City vehicles. It is important that every driver of City vehicles is judged by the same criteria to avoid any type of a discrimination suit. Mr. Foster left you a handout that we can look at when we meet again.

Mr. Foster next mentioned unauthorized ice-skating on Ridenour Lake. I think this exposure speaks for itself. I personally would go one step further and include ice fishing as well. The City assumes a tremendous liability when people go out on the lake when it is frozen. Many people drown every year by falling through the ice and not being able to find a way out. It is my

understanding that the City already has an ordinance prohibiting people on the lake when it is frozen and I encourage you to enforce it. The City only has a $1,000,000.00 limit of liability coverage and could be liable for a death claim that exceeds this limit, which would be a financial disaster. Regular Police patrols around the Lake will certainly discourage this type of activity.

The next two items Mr. Foster addresses relate to the proposed skateboard facility. If the City owns the land on which this facility is constructed or operates this facility, the City assumes some responsibility for the safety and welfare of those who use the facility. Mr. Foster is recommending that if the City is involved with this facility in any way, that the City needs to be certain that it is supervised at all times by people who have sufficient knowledge of skating and exercise the right to review and determine the skill level of each skater before permitting them access to the facility. Furthermore, he is recommending that at least one person on each shift be certified in Red Cross First Aid and have access to a First Aid Kit at all times. Police and Ambulance phone numbers should be published and readily available near a telephone there on the premises. If the City goes forward with this facility, it assumes a significant liability exposure and every effort should be made to insure the safety of those using the facility as well as avoiding unnecessary claims.

Because of the unusual number of sewer or water backup claims in the past four years, it has been recommended that the Sanitary Board establish a maintenance program including regular inspections of the current system and repairs made where deemed necessary. Often times, routine inspections turn up problems that can be addressed prior to a loss which will only help avoid unnecessary claims which are then rewarded with lower insurance costs.

The last three recommendations are also related. They deal with establishing a written loss control program with guidelines, establishing an accident review board that analyzes every vehicle accident to determine whether it was avoidable or not, and the establishment of procedures for the accident review board and all City Supervisors and Employees to follow. Mr. Foster has provided you with examples in these areas and we can review them when we meet again.

I know there are several items contained in Mr. Foster's letter to address. I am willing to assist you and the City in any way I can to address them and comply with them. What Mr. Foster has proposed is standard within the insurance industry and is intended to lower the City's frequency and severity of insurance claims. If successful, the City will benefit with greater availability and the most competitive insurance premiums in the future.

I will forward a copy of this letter to Mr. Foster to let him know of our meeting and your interest and cooperation regarding his recommendations. I will also be in contact with you soon to set up another meeting to review the material Mr. Foster left with you.

Please let me know of any questions that you have. We appreciate the City's business and the opportunity to serve.

Sincerely,

John R. Marshall, Jr.
President

NITRO FIREMENS PENSION & RELIEF FUND

ESTIMATED EXPENDITURE BUDGET

2002

PENSION DISBURSEMENTS (Includes est. CPI 3.7%)	$ 152,175.81
SHARP ELECTRONICS (COPIER)	3,153.84
ACTUARY	6,500.00
SECRETARY	480.00
MISC. EXPENSE	1,000.00
TOTAL:	$ 162,809.65

CITY OF NITRO

COUNCIL MEETING MINUTES

FEBRUARY 5, 2002

Mayor Casto called the Council Meeting to order at 7:30 p.m. in Council Chambers at the Nitro Community Center. 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 was City Attorney April Robertson. Absent were Councilman at Large Richard Savilla and City Treasurer Ralph Allison.

COUNCILMAN A. A. "JOE" SAVILLA LEAD THE PLEDGE OF ALLIEGANCE AND GAVE THE INVOCATION.

AGENDA ITEM NO. 1 - APPROVAL OF 1-22-02 COUNCIL MEETING MINUTES: - COUNCILMAN DAVID MILLER MOVED THE 1/22/02 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED WITH COUNCILMAN A. A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - CITIZEN OF THE MONTH: - Mayor Casto announced they have been working on the handicapped accessible playground this month and he would like to make Councilwoman at Large Brenda Tyler Citizen of the Month and present her with a picture of on-its-way playground. She received a big round of applause, and thanked the Mayor. Councilwoman at Large Brenda Tyler informed that the playground had been ordered, but didn't know exactly when it would be in. She said they are going to get the land surveyed and then they will get together and decide what all we need to do and how the equipment will be placed. She advised funds are still coming in, and she has other meetings that will be scheduled in the next couple weeks for possible donations. She said she appreciated every ones' help on this and it will be a great project and speaks well for the city and the entire state of West Virginia.

AGENDA ITEM NO. 3 - RESOLUTION AUTHORIZING MAYOR TO SIGN CONTRACT, ETC. - SWIMMING POOL: - Mayor Casto asked Councilman at Large Tim Sizemore to read the resolution in its entirety. After Councilman at Large Tim Sizemore read the resolution, CITY RECORDER JOAN MCCLANAHAN MOVED THE RESOLUTION BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. City Recorder Joan McClanahan explained that with the help of Pool Manager Mark Jarrett they submitted an application for a grant attempting to get funding to reline the pool. RESOLUTION ATTACHED.

AGENDA ITEM NO. 4 - RIDENOUR LAKE PROJECT: - City Recorder Joan McClanahan said she has been working with A. J. Hill, Director of Public Works on this project. We all have heard that one of the needs at Ridenour Lake is seating. The City can't afford this project, and it is her idea is to sell the benches. She has five already sold. The only cost to the City will be a small plaque engraved with "in honor of, in memory of, donated by" or whatever the sponsor would like engraved on the bench. These benches are from the same company that is furnishing us the playground, and they have been super cooperative. She said she would be approaching some businesses. From order date, it will take six weeks to get them delivered. They

hope to get them in by the middle of April, and the guys from Public Works will install them. CITY RECORDER JOAN MCCLANAHAN MOVED THIS PROJECT BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - MAYOR'S NOMINATIONS TO NDA: - Mayor yielded the floor to the City Attorney April Robertson. City Attorney April Robertson gave a report at the last meeting regarding the creation and existence of the Nitro Development Authority based on the assumption that all we are dealing with was the NDA that was created by ordinance from the City Council in 1990 under Chapter 7 of the State Code. After that meeting, it came to her attention that the NDA subsequently was incorporated and she obtained a copy of the article of incorporation for the Nitro Development Authority of Kanawha/Putnam Counties, Nitro, West Virginia which was incorporated on December 9, 1999. The distinction between the two types of development authorities, Chapter 7 provides that the governing body of a municipality is basically in charge of the development authority. However, when the NDA was incorporated in 1999, under the corporation laws of our state as a non-profit corporation it was created under Chapter 8. Chapter 8, Article 32, Section 2 provides that a municipality is empowered to authorize and become associated with and participate as a member of the development corporation, chartered as a non-profit corporation. The management and control will be dictated in the By-laws. She said she obtained a copy of the NDA, Incorporated By-laws and the initial board of members, kind of like the Board of Directors, were to be appointed by the City under Chapter 7 which is the first NDA that was created by City Council. After that, however, adjustment to the membership is done by the Board of Directors and management and control of the authority is lodged under the By-laws of this corporation. Ms Robertson said it looks like the original NDA was transformed into a corporation that goes by the name of Nitro Development Authority of Kanawha/Putnam Counties, Inc. The corporation laws provides that the Board of Directors or members are in control, which means this City Council as governing body of this municipality does not have a degree of control over the currently existing and functioning NDA as she reported last week. She advised that the only way the NDA, Inc. can change any of the things they are doing is by votes under their By-laws and make the changes themselves from within. They can change the membership, the composition of the Board or they can vote to dissolve themselves. City Attorney April Robertson advised that the section of the state code that this was created under is very vague in terms of municipal involvement.

Councilman at Large Tim Sizemore said he was a Board Member of the NDA as well as Councilwoman at Large Brenda Tyler and they were asked by companies like Flexeys and different organizations who worked for profit corporations. They were giving us everything from office furniture and truck loads of items. They told us they would continually give to us, but they couldn't realize anything in return. Then he thought we will get our own tax exemption. Another thing that brought this up was they were going to lose their license in the bingo parlor. He said he explained to the Attorney the reason they were going to get a tax exemption status so they could receive gifts from profit corporations. Nobody ever had any idea, that he was aware of, to create some rogue entity to go out and obtain gifts. He said as far as he was concerned, they are operating as a part of the City to the people. They are presenting themselves as being a part of the city government. It is his opinion that the NDA have taken something that is innocent in its original intent and have made it into something else. He said he didn't know who came up with the idea.

Councilwoman at Large Brenda Tyler said the NDA members were appointed by City Council and the loan for the Community Center is in the name of the City of Nitro and the Nitro

Development Authority, not Nitro Development Authority, Inc. or Area Authority, Inc. and this concerns her.

City Attorney April Robertson informed that the original NDA has been absorbed into the new NDA.

Councilman A. A. "Joe" Savilla asked if the Nitro Development Authority and the City of Nitro were working together how could they reinvent themselves and exclude the City of Nitro from anything that was going on at the time. Was this something that was done behind the City of Nitro's back, and City Attorney April Robertson informed that it was not entirely because a lot of the incorporators are people that are still around today unless they didn't know or read what they were signing or the By-laws were created after the articles of incorporation were development. She said without having been there and witnessing the chain of events it would be hard to say what was communicated to everyone who signed the articles of incorporation. She said it seems the articles of incorporation contemplated the continuing existence of the original NBA. Also, the last provision is internal affairs of the corporation shall be governed by the By-laws of the corporation. This is the second document that gives the powers to the Board of Directors.

Councilman David Miller said it sounds to him that the original Development Authority still exists, even if it is on paper. That's one of the names on the loan along with the City of Nitro. So at the least, the NDA could not sell without permission from the City of Nitro.

Councilwoman at Large Brenda Tyler said the NDA still comes to Council for all of the appointments to the Board and they are for a three year term. City Attorney April Robertson said that power is vested in the Board.

City Recorder Joan McClanahan said the building is almost paid for, and asked that once it's paid for does it belong solely to that group.

Councilman at Large Tim Sizemore stated that both names are on the deed.

Councilwoman at Large Brenda Tyler said another question she has is that the money that is being sent back to THF Realty is put through the Nitro Development Authority for the City of Nitro, and the legality of this transaction.

Councilman at Large Tim Sizemore asked if this would void that contract.

Councilman Harry Miller, III said he thinks this proves that there are two separate organizations, because they could not run that check through their account that would constitute for profit. They realize interest from the money. Councilwoman at Large Brenda Tyler said you could hold the money for a total of 9 days.

Councilman at Large Tim Sizemore explained the Nitro Market Place pays their B & O Taxes to the City Treasurer Ralph Allison. Mr. Allison in turns writes a check to the NDA for those taxes. The NDA is allowed to keep $300.00 a month for administrative fees.

Councilman at Large Tim Sizemore asked if we could go ahead and assume anything at all today that there is still a NDA under Chapter 7 because it is on the Ordinance books of the City of

Nitro? City Attorney April Robertson answered that she thinks there are still too many unknown missing puzzle pieces to have a complete picture.

Councilman at Large Tim Sizemore said he would like to know as soon as possible. Something must be done. This building does not belong to those people. He said he spoke with two of the original board members and the original intent for the building was for a community center; not for a profit organization. It has always been operated by the NDA, although it didn't need to be. The City doesn't have any business with it because we are not capable of operating it. They don't have the resources to operate a facility like this. We knew that when it was first put together. He said this needs to go down on record that he isn't interested at all at taking anything, and he feels that none of Council is interested in taking anything, their money, the building or taking their operating procedures. He said the chief reason he is sitting here aggravated is that he wants to see to it that this building and this community center belongs to the people. It does not belong to some corporation.

Councilwoman at Large Brenda Tyler said she questions the Fike/Artel property. It is her understanding because they are going through what they thought was a development authority to get the land back into the City of Nitro; not into the hands of a corporation. This is where it would go into the hands of a corporation who is going to receive the profits from that.

Councilman at Large Tim Sizemore said when he gets done on the telephone tomorrow, he guarantees there is not a contractor that will come out of Philadelphia or Washington, DC until this mess is cleared. The Federal Government said that this was supposed to have been turned back in to the City of Nitro. He said he wasn't saying the NDA couldn't administer it, but the land doesn't belong to them. Councilman Sizemore said this is the first time the federal government gave property back to a community.

Mayor Casto asked Councilman Sizemore to write his questions down and they will fax it to the City Attorney.

COUNCILMAN HARRY MILLER MOVED WE TABLE THIS AGENDA ITEM AND ASK OUR ATTORNEY TO RESEARCH THE QUESTIONS AND REPORT BACK TO US AT THE NEXT MEETING, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 6 - REPORT FROM SHAWN ALDERMAN: - City Recorder Joan McClanahan reported he was unable to be here.

AGENDA ITEM NO. 7 - CHIEF JORDAN: - Mayor Casto yielded the floor to Chief Jack Jordan. Chief Jordan presented members of Council a pin created in memory of all the victims of September 11, terrorist attack. Council members thanked the Chief.

AGENDA ITEM NO. 8 - ZONING BOARD OF APPEALS MEETING MINUTES 1/11/02:- COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ZONING BOARD OF APPEALS MEETING MINUTES BE MADE A PART OF THE RECORD, 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. City Attorney April Robertson said we have the second reading of ordinance restricting ground water extraction and drilling in certain areas of the City. COUNCILMAN HARRY MILLER, III MOVED THE ATTORNEY READ TITLE ONLY, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. The title read by City Attorney April Robertson, "An Ordinance amending the Zoning Ordinance of the City of Nitro, West Virginia, adding a new "Restricted Use" zoning district, which overlaps existing districts, in which the extraction of groundwater from any property located in such district is prohibited and drilling activities are prohibited from the surface of any property located in such district to gain access to groundwater." COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ADOPT ORDINANCE ON SECOND READING, SECONDED BY COUNCILMAN DAVID MILLER. COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE TABLE THIS AGENDA ITEM. Councilman Harry Miller said he agreed with Councilman Sizemore to a certain extent. We should place this on hold until we get the lines of authority and ownership straightened out to our satisfaction. He said he feels we could wait two weeks on this matter, and if necessary we could have an emergency meeting. COUNCILMAN A. A. "JOE" SAVILLA WITHDREW HIS MOTION TO APPROVE THE ORDINANCE AS DID COUNCILMAN DAVID MILLER WHO SECONDED THE MOTION. COUNCILMAN DAVID MILLER SECONDED THE MOTION TO TABLE, AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 10: RALPH ALLISON: - Mayor Casto advised that the Treasurer was unable to be here tonight, but reminded Council of the budget meeting February 11, at 7:00 p.m.

Mayor Casto said he would like to nominate Councilman Harry Miller, III to the Kanawha County Ambulance Authority Board. COUNCILMAN A. A. "JOE" SAVILLA MOVED COUNCILMAN HARRY MILLER BE PLACED BACK ON THE KANAWHA COUNTY AMBULANCE AUTHORITY BOARD, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Mayor Casto said there is a special ceremony that he must attend February 19, at 7:30 p.m. and he would like to change the beginning time from 7:30 p.m. to 6:00 p.m. After discussion, the next Council Meeting will start at 6:00 p.m.

Councilman David Miller said he would like to commend the City Attorney April Robertson for getting the fire hydrant repaired on 10th Street.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Rusty Casto
RUSTY CASTO, MAYOR

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

RESOLUTION 02-02

A RESOLUTION TO SIGN GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM CONTRACT

WHEREAS, The Nitro City Council does hereby acknowledge the need for funding to reline Nitro Municipal Swimming Pool.

WHEREAS, the City Council does hereby authorize the Mayor to enter into and sign any contracts; and

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 sign and submit any contract documents following approval of the project by the Governor.

Adopted the 5th day of February, 2002.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
ZONING BOARD OF APPEALS

January 11,2001

Second meeting to discuss permission to place a mobile home on piece of land:

Board Members Present:

Pam Brewer
Judy Hartigan
Shelley Kostelansky
Charles Mann
Bert Turley

At issue:
-place mobile home in area not zoned for them
-there were supporting documents:
pictures of land and surrounding areas, picture of mobile home, map with property values, and PF12's

Issues discussed:

People for-
-felt that the mobile home would increase not decrease the property value.
-surrounding property values were either lower or consistent with the value of the mobile home.
-parking wouldn't be an issue because they would be able to pull off the road and up to the front of their house

People against-
-area not zoned for mobile homes
-felt it would decrease their property value
-parking would be a problem
-if variance was granted to put mobile home in this area, would have to grant variance in other areas.
-main entrance not facing road like the surrounding houses
-felt that delivering the mobile home could cause a problem in that the delivery truck would have to go through some of the neighbor's yards

Other issues:
-the mobile home does not meet BOCA codes only meets HUD
-all new structures have to meet BOCA codes

Conditions considered by board:
-all of the above
-definition of variance and variance review criteria

148

Decision:

-Due to the definition of variance:

> Authorization by the Board of Zoning Appeals to an owner in the use of land or a structure when a Literal enforcement of the Ordinance would result in unnecessary hardship. All variances must be Forwarded to City Council and entered in their Official Minutes as a matter of public record.

-and the variance review criteria:

1. The use of the property may be limited due to physical, topographic and geologic features
2. The grant of the variance will not grant any special privilege to the property owner.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner.

The variance was unanimously not granted.

Due to a misunderstanding the citizens on the street showed up for the second hearing at 7pm instead of the designated time of 6:30. The variance had already been decided upon, which was not an issue to the citizens due to the fact they all opposed the variance.

CITY OF NITRO

COUNCIL MEETING MINUTES

FEBRUARY 19, 2002

Mayor Casto called the meeting to order at 6:00 p.m. in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Tim Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent were Councilman at Large Richard Savilla and Councilman A. A. "Joe" Savilla.

Mayor Casto asked everyone to please stand. COUNCILMAN BOB SMITH LEAD THE PLEDGE OF ALLEGIANCE AND GAVE THE INVOCATION.

AGENDA ITEM NO. 1 - APPROVAL OF 2-5-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE 2-5-02 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. City Attorney April Robertson said there was a correction that needed to be made on page 3 during the discussion of the NDA. In sentence stating, "Councilman at Large Tim Sizemore stated that both names are on the deed". She said if her recollection is correct, he was referring to both names meaning the City of Nitro and the Nitro Development Authority, and her investigation proved this is not the case. There is only one name on the deed and that being the NDA. A VOTE WAS TAKEN ON THE AMENDED MINUTES AND IT WAS UNANIMOUSLY APPROVED.

AGENDA ITEM NO. 2 - FIR STREET: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler to introduce a couple of guests. Councilwoman Tyler introduced Eve Frazier, President and Tootie Dye from the Nitro Women's Club. She said she visited with them last night and had a nice time with them and yielded the floor to Eve Frazier. Eve Frazier, on behalf of the Nitro Women's Club, presented a check for $500.00 toward the handicapped accessible playground. Also, she announced they planned a fundraiser April 20, and all of the proceeds will go to the playground. A big round of applause was given them.

Mayor Casto announced the shipping date for the playground will be March 25.

Councilwoman at Large Brenda Tyler said since we know the playground will be here shortly, we should take a look at the property and take care of the drainage and land preparation. We should have things ready before the playground arrives.

Councilwoman Tyler said she would like to get with A. J., Bryan and Mark and look at the property and make sure any drainage problem that we have is resolved. Also, she said she wasn't sure if we had anyone to provide landfill if we needed it, but she would like to see if we couldn't get some of the work volunteered. Mayor Casto informed that Mark Sanders has agreed to do this for us; bring in dirt and dig it out. We just need to tell him what to do. Mayor Casto said he thinks we need an 80 by 160 foot area dug out. Councilwoman at Large Brenda Tyler said she doesn't want it filled where you need a ramp to get up in. She said she wants it dug down where it is ground level. She said she didn't want any wasted ground. Mr. Nelson will be here for suggestions and recommendations.

Mayor Casto said he would ask Mr. Nelson to be here Friday at 9:00 a.m. and they will meet with A. J. Hill, Director of Public Works, Building Inspector Bryan Casto and Mark Jarrett, the pool Manager along with Mark Sanders.

Councilwoman at Large Brenda Tyler said she had a question and needed some advise. She said they debated Fir Street, but didn't know if they ever made a decision on what they are going to do between Mr. Bailey and Mr. Sanders regarding Fir Street. She said she spoke with the Building Inspector Bryan Casto on this and can't understand why they can't make a decision on this one way or the other. She explained that the fence was already on the property when he married the lady and moved in there. He was also given a permit by the City of Nitro to install his carport where it is, and she feels we should let Mr. Bailey buy his five feet of property up there. If Mr. Sanders wants to buy the five feet he has the sidewalk on, then he could do that. If he doesn't want to buy it, then the street is left as is. They cannot block off each others right-of-way, and it doesn't change anything that is already up there. Nothing would be changed except Mr. Bailey would be able to pay for the five feet he has and then he would be able to have a clear deed for his property. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED MR. FRANK BAILEY AND MARK SANDERS BE ALLOWED TO PURCHASE THE FIVE FEET OF PROPERTY THEY ARE ALREADY USING AND LEAVE FIR STREET OPEN AS IT IS AND THAT THEY PAY FOR IT, SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman Harry Miller, III said he would like to hear from the attorney on this. City Attorney April Robertson said she wished she would have known this was going to come up tonight because she would have refreshed her memory on the discussions we have already had on this. She said giving property away even if it's only five feet without going through the proper criteria and procedures we set up for doing such things is not wise. Councilwoman at Large Brenda Tyler said this has already been discussed at the Planning Commission meeting several times and it was denied. Mayor Casto said it had been in the Planning Commission three times since he has been Mayor. Councilwoman Tyler said she wanted a clear explanation as to why we have a street up there that is approximately two hundred feet long that nobody is using. There is a railroad at one end and Main Avenue at the other end. There is a business on one side and a house on the other side. It doesn't mean anything to anyone else but those two people and why can't we resolve this. She asked what was the difference between this street and any other street that we have tried to abandon. Councilman Harry Miller, III said the two people up there don't want to come to an agreement. He said this has been denied by the Planning Commission and unless we want to over-rule the planning commission, which we have the authority to do, his inclination would be just to leave it. City Attorney April Robertson said part of the problem as she recalls was abandoning a portion of the street instead of an entire street. Councilwoman at Large Brenda Tyler said she thinks the problem is who the neighbor is; she said she thinks because it is Mark Sanders. That's the reason nobody wants to deal with him; nobody wants to fight with Mark Sanders. City Recorder Joan McClananhan said she voted no as a member of the Planning Commission and she said she would vote no tonight. It's not as simple as it sounds. Councilman Harry Miller, III said he would grant a variance and let them put a fence up there at their own risk and leave the carport where it is at their own risk. Then if the City decides they want to reopen the street the full length, then they are out of luck. Councilman at Large Tim Sizemore said whatever we do, Mr. Sanders needs to move that boat and anything else he has on the street right-of-way. Councilwoman at Large Brenda Tyler said that this was an ongoing problem and it will continue until somebody makes a decision. COUNCILWOMAN AT LARGE BRENDA TYLER WITHDREW HER PREVIOUS MOTION AS DID COUNCILMAN HARRY MILLER, III WHO SECONDED THE MOTION. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE ORDER MR. SANDERS TO

TAKE UP HIS SIDEWALK, THAT WE ORDER MR. BAILEY TO TAKE DOWN HIS FENCE AND WE TAKE BACK THOSE TEN FEET OF PROPERTY AND PAVE AND MAINTAIN THAT ROAD, SECONDED BY COUNCILMAN HARRY MILLER, III.

At this point, Mayor Casto asked to be allowed to contact both parties and attempt to work out a gentlemen's agreement, and Councilman Harry Miller, III commented this would not resolve anything.

Mayor Casto and the City Recorder Joan McClanahan will check with the Building Inspector Bryan Casto to ascertain if building permits were issued, and report back at the next meeting..

A VOTE WAS TAKEN TO HAVE MR. SANDERS TEAR UP HIS SIDEWALK AND FOR MR. BAILEY TO TAKE DOWN HIS FENCE AND THE CITY TAKE BACK THOSE TEN FEET OF PROPERTY PENDING BUILDING PERMITS ISSUED, AND WAS CARRIED.

AGENDA ITEM NO. 3 - APRIL ROBERTSON: - City Attorney April Robertson reported she found two deeds on the Community Building, one dated September 24, 1992 granted from the Board of Education of Kanawha County to the Nitro Development Authority, a statutory Corporation. Then, in October, 2000 the Nitro Development Authority, a statutory Corporation granted the building to the Nitro Development Authority of Kanawha and Putnam County, a WV Corporation. Councilman at Large Tim Sizemore asked the City Attorney to figure what Court this had to go through because he wanted to get this broke up now. He said you cannot remove something that belongs to the people of this City and give it to a private corporation. He said we are the creators, this governing body, through the State of West Virginia. Our predecessors created the development authority, and it belongs to the citizens of the City. Councilman David Miller said in talking with some of the members on the development authority, it is his understanding there was not actually a vote taken to establish the new entity. Councilman Harry Miller,III said the impression he got from people that he has talked with, say it was done by the Executive of the development authority. City Attorney April Robertson asked had Council invited them to come to a meeting and enter into a dialogue of what has been going on. Councilman at Large Tim Sizemore said he would be happy to do this. Councilman Harry Miller, III said he feels this would be a wise thing to do, and we would also ask that we look into the legitimacy of their act of reincorporating themselves. COUNCILMAN HARRY MILLER MOVED WE INVITE ALL MEMBERS OF THE NITRO DEVELOPMENT AUTHORITY TO COME TO OUR NEXT COUNCIL MEETING TO DISCUSS THIS MATTER, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

City Attorney April Robertson mentioned the Ordinance pertaining to ground water drilling and extraction of groundwater was tabled at the last meeting. Councilman at Large Tim Sizemore said he wanted it left on the table.

Attorney April Robertson said the City withdrew the annexation of Republic Container because they ran into opposition from the Counsel for the bankruptcy trustee.

AGENDA ITEM NO. 4 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 5 - MAYOR'S COMMENTS: - Nothing to report.

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

MAYOR RUSTY CASTO

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

MARCH 5, 2002

Mayor Casto welcomed everyone 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 and Tim Sizemore, Councilmen David Miller and Bobby Smith. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent were Councilmen A. A. "Joe" Savilla and Harry Miller, III.

THE INVOCATION WAS GIVEN BY IVAN MEADOWS.

THE PLEDGE ALLIEGANCE WAS LEAD BY MEGAN MCKOWN.

AGENDA ITEM NO. 1 - APPROVAL OF 02-19-02 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MINUTES OF FEBRUARY 19, 2002 BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN BOBBY SMITH AND CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - MICHAEL SCOTT: - Mayor Casto yielded the floor to Michael Scott, the Assistant Coach of the Nitro High School Girls Softball team. He said he wanted to come tonight to make Council Members aware of the wonderful people they have working for the City. He said they couldn't get any help from the Kanawha County School system for help with their field so they went out looking for help in digging and dragging their field, cut their grass and get some things done. Because of A. J. Hill and the Nitro Public Works Department giving of their time, energy and their heart, they have their field taken care of. They have helped on numerous occasions, and he wanted to make sure Council was aware of the people Mayor Casto has working for him and people like A. J. giving their time to help others in the community. Mr. Scott said he has lived in Parkersburg, Charleston and spent six years in the military moving everywhere, and complimented the people of Nitro because everybody helps everybody and he sincerely thanks the City for all their help. The girls said thank you in harmony, and they received a big round of applause.

AGENDA ITEM NO. 3 - ANTIQUE CAR SHOW REQUEST: - Mayor Casto said a gentleman from the Antique Car Club requested May 18, for an Antique Car Show and asked if they could have the street blocked off the same way as Chief Jordan did it last year for them. COUNCILMAN DAVID MILLER MOVED PERMISSION BE GRANTED FOR A CAR SHOW ON MAY 18, AND THE STREET BE BLOCKED OFF THE SAME AS CHIEF JORDAN DID IT LAST YEAR, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 4 - FIRST READING - ORD. SANITARY BOARD INCREASE: - Mayor Casto yielded the floor to Danny Lewis, Manager of the Nitro Sanitary Board. Mr. Lewis introduced members of the Board and Accountant. Mr. Sanghavi said he wanted to bring everyone up-to-date on where they are on the CSO. He said we came in September, 2001 to take over the engineering for the Sanitary Board. Mr. Sanghavi gave a brief outline of the problems facing the

Sanitary Board and presented Council with copies of descriptive documents including the long term proposed projects. COUNCILMAN AT LARGE RICH SAVILLA MOVED TO READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED. Mayor Casto read title "AN ORDINANCE AMENDING AND REENACTING AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR SERVICES RENDERED BY THE NITRO REGIONAL WASTEWATER UTILITY". CITY RECORDER JOAN MCCLANAHAN MOVED WE APPROVE FIRST READING OF ORDINANCE, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. A handout was distributed to Council with a projection of how the breakdown would be used. (COPY ATTACHED.) The first page contained the present rates as they are now, and the total increase would be a 23.7% increase which includes vehicles and equipment financed 4 ½ years. It was explained that this increase would be over a two year period. The first increase covers lost revenue, employee pay raises, cso crew and miscellaneous. The second increase covers the one year deferred payment to the CSO truck, dump truck, GM's vehicle and camera system and the 2002 projects and line of credit. Mayor Casto presented the petition that was adopted by the Sanitary Board on February 26, 2002, and attached to the petition was the ordinance. The Sanitary Board will take care of all of the notices of publication. Councilman at Large Tim Sizemore said the proposal presented this evening is a lot clearer and more concise than what was presented last year. He said he really liked the long term control plan presented. A VOTE WAS TAKEN AND IT CARRIED. MAYOR CASTO SAID HE WANTED TO REGISTER HIS VOTE IN THE AFFIRMATIVE. A public hearing has been scheduled Tuesday, March 19, 2002 at 6:30 p.m.

AGENDA ITEM NO. 5 - SMITH STREET LANDFILL: - Mayor Casto said this started in his previous term of office and S & S Engineers were the ones who surveyed the property. He said he either mailed or brought to Council a copy of the agreement between the City and FMC which would allow the beginning of the work between the State and FMC on getting the Smith Street Landfill cleaned up and then a boat dock built. He said he believes the boat dock will be built before the end of summer. COUNCILMAN AT LARGE RICH SAVILLA MOVED OUR PROSECUTING ATTORNEY LOOK AT THE AGREEMENT, AND IF IT IS ACCEPTABLE TO HIM, MAYOR CASTO BE AUTHORIZED TO SIGN THE AGREEMENT, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 6 - FD 2002 FUND RAISER: - Mayor Casto yielded the floor to Councilman David Miller who advised that this fund raiser is a continuation of their existing fund raiser that the Nitro Firemen's Association does every year. They are requesting to sell coupons and have a picture drive on March 3, 9 and 10, 2002 from noon until 7:00 p.m. The photographs are taken by Tri-State Photo of Cross Lanes. COUNCILMAN AT LARGE RICH SAVILLA MOVED PERMISSION BE GRANTED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Mayor Casto asked Attorney Jim Kelsh to look at the agreement between the State and FMC as our prosecuting attorney is extremely busy at this time, which was agreeable with Council.

AGENDA ITEM NO. 7 - SIGNS: - Mayor Casto yielded the floor to Councilman at Large Tim Sizemore. Councilman Sizemore said at the moment he thinks he has a legal question. He said there are ordinances in the city prohibing businesses from advertising off of their property. He said this makes good sense, but there are instances where businesses need to advertise off of the property when they have occasion to have a sale and also the second reason is regarding the

people on 21st Street. He asked if we could look at ordinances from other cities, such as St. Albans, where businesses are allowed to apply for a permit to advertise off of their property within the City limits. Councilman Sizemore said we need to do something to try and help businesses as much as possible. He said his intention wasn't to junk up areas, but to allow businesses to put up temporary signs. There are two or three areas where signs could be placed for a short period of time with a permit. He said we should explore the ordinances we have now. He said this should go to the Planning Commission first. Councilman Sizemore asked the City Attorney if she would check to see if there is something on this. She advised we looked at this on October 15, 2001, Ord. 13-29-25 which prohibits any signs, billboards or other advertisement displays except those specifically pertaining to the property on which they are located.

AGENDA ITEM NO. 8 - RECREATION UPDATE: (A) PLAYGROUND- Councilwoman at Large Brenda Tyler advised that on her last contact with Miracle Playground they advised the playground would be delivered the week before Easter and they hope to start construction the Monday after Easter. Anyone wanting to volunteer to work on the playground to please let the City Recorder Joan McClanahan or her know. She said there has been confusion as to the number of lines allowed on the bricks, and MOVED WE EXTEND THE DEADLINE TO SEPTEMBER 1, 2002 ON SELLING THE BRICKS, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

(B) - POOL: - City Recorder said they had talked before about the need for a slide. The consesus is we are going to have to take down the diving board. Also, they spoke with the City Treasurer Ralph Allison about adding it on to the lease purchase for the playground and was told this could be done. CITY RECORDER JOAN MCCLANAHAN MOVED WE PURCHASE THE BIG SLIDE FOR THE POOL AND ADD IT ON THE LEASE PURCHASE WE ALREADY HAVE, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. Mayor Casto said Council can vote to add the $12,500 on and then it will have to be put out for bid and bring it back to be voted on. A VOTE WAS TAKEN AND WAS CARRIED.

City Recorder Joan McClanahan said as Council recalls, she obtained their permission to sell benches to individuals or private companies to place at Ridenour Lake. She said there are seven sold and paid for by private companies such as Cooke Funeral Home. The benches cost $316.00 each and the only cost to the City will be the plaques to go on the benches recognizing the donor.

(C)- SKATEBOARD PARK: - Councilwoman at Large Brenda Tyler asked the status on the Skateboard Park, and Mayor Casto said he thinks the person is ready to come to Council and present us with a check. City Recorder Joan McClanahan said she believes the gentleman we have to deal with has been called out of town.

Mayor Casto asked City Attorney April Robertson to check and see if our Recreation Committee can get a 501C3 because when we go out and get grants.

AGENDA ITEM NO. 9 - APRIL ROBERTSON : - Mayor Casto yielded the floor to the City Attorney. City Attorney April Robertson said the only thing she has for Councils' consideration is the removal of members of the Nitro Development Authority pursuant to Chapter 7, Article 12, Section 3A of the WV State Code and the appointment of successors to fill the remainder of those terms. COUNCILMAN AT LARGE TIM SIZEMORE MOVED TO REMOVE

THE PRESIDENT, VICE PRESIDENT AND TREASURER FROM THE CURRENT NITRO DEVELOPMENT AUTHORITY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS UNANIMOUSLY APPROVED.

Councilman at Large Richard Savilla said that based on the removal of the three people, he MOVED TO APPOINT COUNCILMAN AT LARGE TIM SIZEMORE BACK TO THE NDA BOARD BASED ON HIS KNOWLEDGE WHERE HE WORKED WITH THE NDA PREVIOUSLY, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED WITH COUNCILMAN AT LARGE TIM SIZEMORE ABSTAINING AND THE MAYOR VOTING IN THE AFFIRMATIVE.

AGENDA ITEM NO. 10 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Treasurer Ralph Allison called a budget meeting for next Tuesday night, March 12, at 7:00 p.m.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - Councilwoman at Large Brenda Tyler said members of Council had been furnished a copy of the building permit issued Mr. Frank Bailey on April 29, 1996, giving him permission to construct a car port 28x24. This agenda item was tabled until it was determined if Mr. Bailey was issued a building permit. City Recorder Joan McClanahan read the minutes of last meeting pertinent to this matter. Councilwoman at Large Brenda Tyler said she originally suggested we abandon the street that runs up between Mr. Bailey and Mr. Sanders. They continuously fight. Mr. Sanders has built a sidewalk on five feet of the City's property on his side of the street. Councilwoman Tyler said she thinks that since he was given a permit by the City of Nitro in 1996 to construct his carport on this five feet of property and he is trying to get his deed in order and will made out, that it is only fair of the City to give him a deed for that five feet of property instead of making him tear down his carport and move it back. We do have an ordinance in place to abandon streets. If we do not do this, it is her suggestion to make him along with Mr. Sanders remove everything off of the City property. City Recorder Joan McClanahan advised that the boat Councilman Sizemore mentioned belongs to Mr. Bailey not Mr. Sanders. Councilwoman at Large Brenda Tyler said it was her understanding there was a carport already there and he was given permission to put it back where it was. After further discussion, Councilwoman at Large Brenda Tyler said we need to resolve this problem. Mayor Casto said this could have been grandfathered in if it was built in the 1950s. Councilman David Miller said he thinks the City should pave the street, and Councilwoman Tyler said it was used as a parking lot instead of a street and this is the problem. When it is used as a parking lot, Mr. Bailey can't get in his carport and he in turn pulls behind someone getting a haircut or Mark Sanders parks the big truck up there. Councilman at Large Richard Savilla asked why we couldn't designate parking on one side only. Mayor Casto said the City is better off to forget it and just wash their hands of it. He said if we put up no parking signs, then people will park in front of the residents homes. We would be better off to forget this. Mayor Casto suggested we have Chief Jack Jordan mark off parking spaces. Councilwoman at Large Brenda Tyler said she just wanted this matter resolved, she wants them out of her office and to quit calling her. She said she wants an answer for this one way or the other. Councilman David Miller said Mr. Bailey's deed is on record at the courthouse. Councilman at Large Tim Sizemore commented that we have people that have built on the City right-of-way and we cannot issue a building permit any longer unless we attach the property to say that if the property owner sells, he would have to remove obstacles that have been placed on City property. Mayor Casto said he would ask Chief Jordan to mark off how vehicles will be parked in this area.

Councilwoman at Large Brenda Tyler furnished members of Council a letter from the Homecoming Committee, and they are planning a big fund raiser in July with all the proceeds to go to the playground. She said she received a call today from Debbie Jordan wanting to know if the City would give them a loan for $5,000 to be paid back first after the fund raiser is over as they have no money for a startup. Councilwoman Tyler said they have contracted several agencies. There is an agency that will match dollar for dollar to bring in entertainment. City Treasurer Ralph Allison said we could front the $5,000 for the homecoming as long as we got reimbursed from the proceeds. Councilman at Large Tim Sizemore said he could guarantee it will be repaid. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE TAKE THE FUNDS FROM THE PLAYGROUND EQUIPMENT ACCOUNT WITH THE PROMISE IT WILL BE REPAID OUT OF THE PROCEEDS, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.

COUNCILMAN DAVID MILLER MOVED THE MAYOR LOOK INTO POSSIBLE ANNEXATION OF THE OLD STATE OF WEST VIRGINIA SIGN SHOP AND THE OLD HECK'S WAREHOUSE WHICH IS NOW IN THE POSSESSION OF THE STATE, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.

There being no further business, CITY RECORDER JOAN MCCLANAHAN MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

DRAFT 1/15/02

CITY OF NITRO SANITARY BOARD

Option 1 - 21.5% Increase - vehicles, equipment, 2002 Projects and Line of Credit financed with 20 yr SRF Loan @ 3%

PRESENT RATES

First	2,000 gallons	$5.69	per 1,000 gallons
Next	3,000 gallons	$4.78	per 1,000 gallons
Next	25,000 gallons	$3.71	per 1,000 gallons
All Over	30,000 gallons	$3.34	per 1,000 gallons
Minimum Bill		$11.38	
Average Bill	4,500 gal	$23.33	

PROPOSED RATES - 1st Increase 15.75%
Increase covers Lost Revenue, Employee Pay Raises, CSO Crew and Misc.

First	2,000 gallons	$6.59	per 1,000 gallons
Next	3,000 gallons	$5.53	per 1,000 gallons
Next	25,000 gallons	$4.29	per 1,000 gallons
All Over	30,000 gallons	$3.87	per 1,000 gallons
Minimum Bill		$13.18	
Average Bill	4,500 gal	$27.00	

PROPOSED RATES - 2nd Increase an additional 5.75%
Increase covers CSO Truck, Dump Truck, GM's Vehicle, Camera System, 2002 Projects and Line of Credit

First	2,000 gallons	$6.91	per 1,000 gallons
Next	3,000 gallons	$5.81	per 1,000 gallons
Next	25,000 gallons	$4.51	per 1,000 gallons
All Over	30,000 gallons	$4.06	per 1,000 gallons
Minimum Bill		$13.82	
Average Bill	4,500 gal	$28.35	

CITY OF NITRO

CITY OF

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

WARRANT

TO: MEMBERS OF NITRO CITY COUNCIL

IN COMPLIANCE WITH CITY CODE 123.03 SS B "SPECIAL MEETINGS", THERE WILL BE AN EMERGENCY MEETING OF NITRO CITY COUNCIL TUESDAY, MARCH 12, 2002 AT 7:00 P.M. IN COUNCIL CHAMBERS TO DISCUSS:

AGENDA

1. 2002/03 BUDGET
2. NDA
3. PLAYGROUND SITE

SIGNED THIS 11TH DAY OF MARCH, 2002.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

RICHARD SAVILLA, CO. AT LG.

TIMOTHY SIZEMORE, CO. AT LG.

BRENDA TYLER, CO. AT LG.

A. A. "JOE" SAVILLA, CO WARD I

DAVID MILLER, CO. WARD II

BOBBY SMITH, CO WARD III

HARRY MILLER, III CO. WARD IV

CITY OF NITRO

SPECIAL COUNCIL MEETING

MARCH 12, 2002

Mayor Casto said a Committee Meeting had been scheduled this evening, and due to the importance of a couple items, he decided to make this a special called council meeting which either the Mayor or three Council members can do.

Mayor Casto called the Special Council Meeting to order at 7:00 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller and Bobby Smith. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent was Councilman Harry Miller, III.

Mayor Casto said he would like to start with Agenda Item No. 3.

AGENDA ITEM NO. 3 - PLAYGROUND SITE: - Mayor Casto asked Councilman at Large Tim Sizemore to read the resolution designating an area beside the pool. COUNCILMAN DAVID MILLER MOVED THE RESOLUTION BE ADOPTED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. Councilman A. A. "Joe" Savilla asked why we picked this particular site as we have no bathroom facilities or shelters there, and we are segregating the handicap children from the rest of the children. Councilwoman at Large Brenda Tyler answered that we would not be segregating them because the playground is not only available to the handicap children. She said it is available to all children. She advised this area was considered with safety in mind, because at the park we have a bike track and probably will have a skateboard park along with the ballfields. Councilwoman Tyler said there wasn't a way we could get a road for the van to bring the handicap children down in there and load and unload the children, and there has been an area provided for this near the pool. Also, she said she spoke with the Director of Public A. J. Hill about restroom facilities which is to be hooked up to the pool with an expansion on that. Also, there has been discussion about putting picnic shelters around this area. They have talked about putting a walking trail around the back area and the playground area too will be enclosed with a fence. Mayor Casto said we will have to find a couple of doors and put them in front of the restrooms, and have the pool restrooms locked from the end of August until the end of May and then have those doors open. Councilman David Miller said we already have steel doors between the pool and restrooms, and we need the same type between the exterior doors and the restrooms. Mayor Casto said he got the dog track to buy these doors, and they might be willing to buy two more. Councilman A. A. "Joe" Savilla said the pool restrooms would be wet and slippery and this concerns him. Councilwoman Tyler said we would have to use these restroom this summer, but the plans are to expand this end of the pool with a patio type design with a water fountain and two handicap restrooms that would be accessible from the outside and would always be open. Councilwoman Tyler said she thinks the Mayor has already applied for a grant to put in a water park that is handicap accessible to go along with the playground. Mayor Casto said he has been told there is a ninety percent chance that the handicap water spray will be included in a government budget and we will have our money by July, 2002. City Recorder Joan McClanahan said one of the big selling points when they met with the lady from the Greater

Kanawha Valley Foundation was the site for the playground and the possibility for expansion. They gave us $7,500.00. Councilwoman at Large Brenda Tyler said if Council recalls they discussed putting the playground over at the park and putting the bike track over by the pool. Then when they looked at this they decided no and citizens and senior citizens in that area said they would like to see the playground near the pool and put the bike track over on the softball field. She said this decision was made back last year, and then when the Kanawha County Commission was down they also walked that area on the 4th of July when some of the members came down and met with some of the citizens in town. She said, the following week, they gave us a $25,000.00 grant because of the location. A VOTE WAS TAKEN TO PLACE THE HANDICAPPED ACCESSIBLE PLAYGROUND BESIDE THE CITY POOL AND IT WAS UNANIMOUSLY APPROVED.

RESOLUTION 02-04 ATTACHED.

AGENDA ITEM NO. NDA: - Mayor Casto yielded the floor to the City Attorney April Robertson. April Robertson introduced David Hammond, a partner in their law firm, who is in the corporate department and has expertise in corporate and real estate matters. She said as you will recall at the meeting last Tuesday, Council voted to terminate three members of the Nitro Development Authority and put in substitute members. She said Diana Painter is acting president and she was the only remaining officer. She called and wanted to be informed as to what Council was thinking, and what the plans were and where the governing body was going with this. Councilman A. A. "Joe" Savilla said he was out of town at the last meeting, and it was discussed last month in a council meeting, and that our City Attorney was going to do some investigative work and then when he returns to the City, he finds out that we have terminated three members of the Nitro Development Authority, and he hadn't got a chance to find what happened or why we did that and if we are on safe legal grounds by doing this. He said this was his biggest question tonight. City Attorney April Robertson said her original suggestion to Council was to extinguish the statutory body that Council created back in 1990, but it was Councils desire instead to terminate the three people who are terminated. There was some questions about the legality of property transfers that transpired over the years, and she said she wasn't sure if he missed the meeting where she told Council about the deeds that are on record at the Courthouse. She said she found two deeds at the Courthouse, the original one where the NDA bought the building from the Board of Education in September, 1992. The City of Nitro was not on the deed. Then eight years later in October, 2000 the NDA conveyed the building to the NDA Corporate entity. She said she couldn't find any record from City Council which authorized such a transfer. The deed of trust on this building is also in the NDA's name, and it is the credit line deed of trust that was written in 1992 between NDA and the Commerce Bank for $44,000. She said since she did not find any subsequent transfers involving the bank leads her to believe the Commerce Bank probably took the position that their deed of trust was with the first NDA. She asked David Hammond if he had anything to add.

Mr. Hammond said he was new to this Council but he has looked through the information we have and also looked through the code and it appears to him a fairly large mess. There are actually now two operating entities called the Nitro Development Authority. One of the entities is a public corporation that was created by this Council, and the other is a private Chapter 31 non-profit, non-stock corporation that was created by private action. Most of the principals of both organizations are the same people. Attorney April Robertson told Mr. Hammonds that it was her understanding that the rationality on forming the, what he will call the, private NDA as opposed to

the public NDA originally was because of the desire to setup an entity that would be able to obtain what is called 5013-C status from the Internal Revenue Service which may be a perfectly legitimate reason to set it up. He advised they checked their records, they have a service they subscribe to in their office that has tax service, that has information, actually it has a listing of all the registered 5013-C and it was only current through October. It gets updated occasionally. As of October, 2001 this entity which was setup in late 1999, two years later still did not have 5013 C status. The reason that it was set up originally doesn't appear to have been followed through. Mr. Hammond said there are some concerns that he would have generally about how things are structured because you have this building you are sitting in is actually owned by an entity at the present time over which Council has no control. He said this is probably not what Council intended. There is this entity that exists out there that owns this building, and April Robertson told him there are no leases between the City and this private entity and the Police Department has its offices in this building and there is no written agreement between the private entity and the police department that gives them the authorization to occupy the building. There are any number of issues that accompany the way this has been done. There also seems to be some concerns about how this entity has constituted itself in its organizational documents. It makes reference to some provisions of the State Code that are applicable to the public NDA. The private NDA is referring to the public NDA code sections as though that is the authority or basis for its existence, but it specifically says it is a Private Chapter 31 corporation. He said if it were the public NDA, the public NDA has some very specific things that it has to do in terms of who the members of the Board of Directors has to be, and how many people it takes to have a quorum to conduct business. The public NDA, by statue, has to have at least 12 but no more than 21 board members. The private NDA didn't comply with that, and there is a provision in the by-laws which says a quorum consists of five board members. This is entirely inconsistent with the statute. It appears to him that the whole thing has been done fairly haphazardly, but he didn't know anyone had any intent of doing it this way. He said it is in need of cleaning up for the protection of the city and the city's investment in this property. Councilman Joe Savilla asked how this was allowed to happen, and Councilwoman Tyler said she was on the board when this first started and the intent of the NDA to incorporate. We had businesses in the Community Center that made contribution and they wanted to be able to use those contributions for tax purposes. She said Councilman Sizemore left the NDA and she left the NDA and she wasn't aware of what that meant until recently Attorney Robertson started looking into it. She said she didn't think the Board of the NDA understood what they did. The building was purchased and put here for the citizens of Nitro; it was never to be owned by a private corporation at all. She said her concern was the contract made through the public NDA through THF Realty and the Fike/Artel site. The private NDA has been trying to get the Fike/Artel property back into the City of Nitro, and a contract was entered into with NDA and THF Realty when the Nitro Marketplace was built. Tax dollars the City collected from the businesses would be rebated back to THF Realty through NDA. NDA would receive payment for doing this. It was all set up under the public NDA. She said the private NDA is carrying on with this and wanted to know if the contracts were now null and void, and is that legal. Mr. Hammond said he wasn't familiar with the contracts, but based on the short synopsis of what is going on, he would say it would probably be in the powers of the public NDA to do. The public NDA has the authority. Mr. Hammond said the WV Code allows a municipality or a county or both in some combination to set up a development authority to promote economic development in its various ways. The Code gives any development authority broad powers to do a lot of things as long as it is focused on the purpose of economic development. Councilman at Large Tim Sizemore asked if the State Auditor comes in and tells them they must start supplying information, and register the money that comes in and if they won't turn over the financial statements or records because they

have been advised they no longer have to do that. Councilman Sizemore says this concerns him, and if they will read the THF agreement. We are rebating money through the NDA and for all intents and purposes, are suppose to be sending it back to THF Realty. Any breach of this contract has ramifications in that contract that would cost the taxpayers a lot of money. We don't have these records and we are not able to obtain these records. We don't know for sure the money is being sent back. Councilman Sizemore said the State Auditor's Office says all departments, commissions, etc. within the City Government are suppose to be reported. He asked where does the public NDA stop and the private NDA start. Mr. Hammond said if that contract was entered into with the public NDA, then that is how the money should be funneled. It shouldn't be going through the private NDA. He said the public NDA exists because this Council created it and this Council can bring it into life and this Council can make it go away. That organizations existence, its operation, the way that it is done is pretty much the will and pleasure of this council. Councilman at Large Tim Sizemore asked who actually owns the private NDA, and Mr. Hammond informed that the private NDA is a non-profit, non-stock corporation under WV law. There is no ownership in the sense of stocks. Mr. Hammond said the public NDA transferred the piece of land they are sitting in tonight to the private NDA and the private NDA owns this building. Mr. Hammond asked what happened. He asked if the public NDA had a meeting and it was done by Board action. There should have been some sort of resolution approved at a meeting of the public NDA that would have authorized the transfer of this property to the private NDA. April Robertson said she didn't see any such thing. Mr. Hammond said the city paid forty some thousand dollars to the Board of Education for this piece of property, and the public NDA has actually signed a promissory note apparently to Commerce Bank ,which is now Huntington Banks, and is secured by a mortgage on this property. This would have been the way it existed for about eight years with payments being made. Then eight years later the public NDA conveyed the property to a private NDA, so what was the value that was given back to the public NDA for the transfer? Where did the private NDA get the money to pay the public NDA for the piece of property, plus there would have been some equity built up in that period of time. The property would have probably increased in value. The amount that was outstanding on the loan during that eight year period of time would have been paid down. So, all of this was money that would have been expended by the public NDA for this building, and all of a sudden it's gone. The public NDA doesn't own it anymore. Councilman at Large Tim Sizemore stated that the NDA public has always operated the Community Center. We, the main part of city government, don't have any intentions of operating this center. He said we could get an eviction notice tomorrow, and what are we going to do? Since they moved the police department in the Community Center, what will happen if the Board members, and he doesn't mean the Board members we have on the Authority now, but possibly in the future, tell the City to move the Police Department. Councilwoman at Large Brenda Tyler added or they may want to sell it and we would no longer have a Community Center because it is in the hands of a private corporation. Councilman Sizemore said the taxpayers have paid an ungodly amount of money to renovate their area and then they get evicted. He said this group probably wouldn't do that, but what about the group down the road. That's his entire point and concern. They took it out of the public's hands and put it in private hands. What kind of loopholes are we creating down the road? He said it was our responsibility, we got elected to do a job, to oversee things like this. We are suppose to be looking out for the public's interest. Mr. Hammond said he would restate something he said earlier. If the original purpose to create the private NDA was for the purpose of getting this particular status with the Internal Revenue Service, they don't have leases by the records they have. Councilwoman Tyler informed that they do not have it. Councilwoman at Large Brenda Tyler asked how do we get this building back out the hands of a private corporation back to the public NDA? Councilman Joe Savilla asked how did we go from

having a contract to not having a contract? He said between his times on Council, there was a contract between the City of Nitro and the NDA. How did we get excluded from this? City Attorney April Robertson said he was speaking of the authority Council had over the NDA that it created and lost it when they became a private NDA. Mr. Hammond advised they still have control over the public NDA and it still exists. Councilman Joe Savilla asked what the public NDA owned at this time, and he was told nothing. Councilman David Miller said he could pretty much understand why they did the private NDA, but what justified the transfer of property. Mr. Hammond stated he didn't have the answer for this. He responded that he wasn't a tax lawyer, but there could be some tax reason this would have been beneficial. He said it seems to him there would be a significant number of problems associated with taking the property out of the public sector and moving it into the private sector that would outweigh any tax benefits. Mr. Hammond said that if he sat there and thought about it long enough, he could come up with an arm load of questions or another load of problems. For example, he would assume the City carries its liability insurance through the State Board of Risk and this building isn't owned by the City but by the NDA. Is it insured? Councilman at Large Rich Savilla said they could have been a separate free-standing corporation in charge of raising money to benefit the development authority. Mr. Hammond said this is true and they could have been used as a pipeline once they obtained 5013-C status, they could have then accepted donations from the private sector; the private sector could have realized tax benefits from that. Then the private entity could have taken the money they raised and funnel it back into the public NDA. Councilman at Large Tim Sizemore stated we are sitting in a building that might not be insured, and asked if this is such a problem or should it be such a concern for everyone involved that we find out if this building has insurance on it. Councilman at Large Richard Savilla asked how quick we can reverse this action? Mayor Casto asked Mr. Hammond if a Judge would look at this, who do you think he would say the building actually belongs to? Mr. Hammond responded that the records title of it is clearly in the private entities hands. There is a possibility that the action the public NDA took in transferring it a private NDA would be considered ultravirees (a term in the law that means an action which is beyond your authority to take. It is something that you did that you didn't have any authority to do in the first instance, and the fact that you did it is null and void). Conceivably the action of the public NDA in transferring the property to the private NDA proved an ultraviree act, particularly since it appears it was done without Board authorization from the members of the Board and the public NDA. Even tho this be the case he didn't think they shouldn't go ahead and take the steps that undo the transaction. Mr. Hammond said he feels Council needs to undo the transaction, and the way they need to do that would be to have a meeting of the Board of the private NDA and the private NDA Board is going to have to, by Board authorization, authorize one of the officers to execute a deed to this building conveying the property back to the public NDA. Councilman Sizemore said we need to find out whose name the Fike/Artel three parcels of property is in. He said he thinks there are two parcels in Kanawha County and one in Putnam County. He said in his papers he has copies of agreements for everything not to sue and everything from EPA. He said it states the City of Nitro Development Authority. He was concerned that the Federal Government was thinking they were dealing with a public entity and they will be dealing with a private entity. Mr. Hammond said it doesn't appear the two entities have been keeping separate minutes, separate bank accounts or anything of that nature. To have them up and running properly, they should be operated as they are two separate entities which is what they are. They should have two different record books, two different minute books, two different bank accounts and most likely, two different officers. He said he didn't know that it would be a bad thing to have the same board on both of them. There are issues there. Mayor Casto asked Mr. Hammond for his recommendation for City Council. Mr. Hammond said he recommends that they have a meeting of the Board of Directors of the private

NDA and take by Board action at that meeting, a resolution that authorizes the transfer of the Community Center back to the Nitro Development Authority, which is the public statutory corporation that it ought to be under. Councilman at Large Richard Savilla said we removed the top three members of the public NDA being the private NDA is bound by the public NDA laws. He asked how we remove the officers from the private NDA? Mr. Hammond said you can't unless the Board does it; it has to be by Board action. You have to be bound by the rules and by-laws of the private NDA, and there actually are a set of by-laws for the private NDA. Councilwoman Tyler asked if we could get the private NDA to dissolve the private corporation. Mr. Hammond advised that this wouldn't put the authority back where it was. Councilman at Large Sizemore asked if the by-laws can be rewritten, and Mr. Hammond said they could be rewritten by the Board. Councilman at Large Sizemore said it is either that or they will end up in court.

Mayor Casto asked Mr. Westlund or Mr. Halstead if they had any questions. Mr. Westlund said he didn't have any questions at this time, but informed that the reason he was present this evening is because he is on both the public and private NDA. He said he received a short telephone call that Council had removed three of the officers, and this is all the information he received. He said as a citizen he feels the City of Nitro and the NDA Board need to resolve this among themselves and not through the court. He said members of the NDA have not received any information on what Council is doing and why they are doing it. He said he thinks we should have a meeting with the Board and said he didn't feel we had to have lawyers present. Councilwoman at Large Brenda Tyler said they are trying to understand it too, and in Councils' decision to take the three top officers off of the public NDA. The same officers on the public are still on the private NDA. Mr. Westlund said he feels we should communicate and find out what is going on. He said let's get together and work this out so that it is best for the community. Mr. Westlund said it wasn't a big deal when they transferred the public NDA over to the private NDA. He said it was something they were doing to be able to help the community more. Councilman at Large Rich Savilla said this was incorporation and asked him if he thought transferring property was part of that? Mr. Westlund said he wasn't going to speak on this. Councilman David Miller said you don't have to have real property to back them up. Councilwoman at Large Tyler said they really wanted to work this out, and they could have removed all board members, but they wanted different officers in the public NDA to set down and work this out. She said she didn't think the NDA understood what this meant either. Councilman at Large Timothy Sizemore said the question is insurability, and the fact that somebody is walking around in this building and the private NDA doesn't carry insurance on this building. He said he didn't know about the rest, but it scares him. He said he tried to get answers to questions, but was told that it wasn't any of his affair or the City's affair.

Mayor Casto asked the City Attorney April Robertson if she thought we should have a meeting with the NDA, and asked if they had authority to relinquish the building back to the public NDA assuming they own it. Mr. Hammond said the deed is in their name, and you could have a meeting with their Board of Directors and by board resolution you authorize an officer to sign the deed conveying the property to the public Development Authority, but the private NDA could refuse. Councilman at Large Richard Savilla said you call a meeting with both boards, which are the same people, and ask them to do one thing against the other. Mr. Hammond said we couldn't tell the private NDA to do anything. Mr. Hammond said he recognizes these are the same people, but you can't think about this. It is two completely separate legal entitles with two completely separate legal existence. Councilwoman at Large Brenda Tyler said she has enough faith with the people on the NDA that she thinks if we explain this to them, that we can work it out. We don't

understand it and I don't believe they completely understand it, and if we met with them and explain the problems this has created, together we can work this out. She said with Jim Westlund being present this evening may be he can help smooth the waters between both sides to help the private NDA understand why we had to take the action we did and where we are and why we must come together and resolve this.

Councilman A. A. "Joe" Savilla apologized for being absent at the last Council Meeting, but said it was his understanding that they were going to call a meeting between the NDA and City Council and discuss our concerns. He said he just hates it when things like this happens, and we should start without an attorney. It shouldn't be necessary to have an attorney present.

Mr. Hammond said he hopes no one here tonight has taken anything that he has said as to taking a side but he was trying to explain to them. Councilwoman Tyler said she appreciated Mr. Hammond coming tonight and they don't know the answers, but realizes we have a mess and in some way or the other, we have to clean it up. She said that in order to clean it up legally, we are going to have to have lawyers involved. Councilman at Large Richard Savilla said they are not out to destroy the NDA. Councilwoman Tyler added that they want the NDA to continue; we want it to operate in the building, and to manage the building but we want it to be back under the NDA, and the building belonging to the public.

Councilwoman Tyler said they are getting ready to put the Fike/Artel property back in the City and they are talking with the NDA. Councilman at Large Tim Sizemore said most of the deeds have been drawn up naming NDA as owner and it should be NDA public. Councilman at Large Tim Sizemore said they put the property up for public auction and it was geared in such a way that no one else would be able to get it but City of Nitro NDA. He said he didn't know to whom the transfer was made. Councilman David Miller mentioned taxes. He said if the second development authority owns the property, the first development authority is obviously paying the taxes. Mr. Hammond said it should be tax exempt, and Councilman David Miller said there are taxes on the utilities. You would be taking public money to pay taxes for a private corporation and this doesn't pass the smell test. Mr. Hammond said when it gets straightened out and the title to the property gets back into the name of the public NDA, what the City ought to do is enter into a lease agreement between the public NDA and the City and the lease agreement should say that the NDA is leasing to the City of Nitro the space it needs for its police department and whatever else it is that the city needs to have. The rent could be $1.00 a year. Councilwoman at Large Brenda Tyler said there was some type of agreement because when she was on the board as Treasurer, the agreement was that with the police department being in the building they pay a percentage of the utilities on the building. The police pays 15.2% of the utilities each month to be in the building. Councilman Sizemore said they estimated at one time that this represented the percentage of area the city occupied in the building. Mr. Hammond asked what income stream does the NDA have that enable them to pay the outstanding indebtedness to the bank. Councilwoman Tyler said they have all the rooms rented in the building. They have day care, churches and a get a small administrative payment from THF of $1,040.00 a quarter.

Councilwoman Tyler said the City of Nitro entered into an agreement with THF Realty whenever THF Realty built Nitro Marketplace. They entered into an agreement with them that for a period of 20 years all B & O Taxes collected from the businesses at the marketplace would be rebated to THF Realty with $35,000 or $36,000 going to the City of Nitro.

Councilman at Large Tim Sizemore said the way the contract is written, breaching that contract is bad. Councilwoman Tyler said this is why the NDA was formed so they would have a means to handle the money for the City could not legally rebate the funds. Councilman Sizemore said he was told by the last attorney the word rebate was not used. Councilwoman Tyler said her concern was this agreement was made with the public, but all those funds are now collected by the private NDA. Councilman Sizemore added that being that there are not two separate set of books. Mr. Hammond said he didn't know how you would keep it separate anyway. Councilman at Large Tim Sizemore said the question was is it legal for us and the treasurers to write checks and go back.. Mr. Hammond said there is one set of books, but it seems to him that there is no question that all the money should be going to the public NDA and not the private owned.

Mayor Casto said the next step is trying to get the private NDA together and have a Board Meeting and request them to put this building back in the public NDA. Councilman Joe Savilla suggested that we ask them to call an emergency board meeting with Council attending. Councilman at Large Tim Sizemore said he wouldn't be at the meeting without Counsel. He said he didn't want to go down the road and explain himself in Court.

Councilman David Miller said he thinks the best interest in the situation we, as the governing body, should not be making comments or public comment or whatever until this is resolved. Councilman at Large Tim Sizemore agreed. Councilman David Miller said he was asked by a couple of the people that was dismissed, and he told them he would listen but he wouldn't say anything. Councilman David Miller said he agreed with Councilman Sizemore that we should have legal Counsel present. Councilman at Large Richard Savilla said he had faith with all the members on the NDA Board. He said if we can't resolve it between us, then we go with legal Counsel, and feels it is in good faith on us that we try to resolve it between us without legal Counsel.

Councilman Bobby Smith asked if what they did at the last Council Meeting was legal, and Councilwoman at Large Brenda Tyler told him it was, that we could remove members from the public NDA. We have no authority over the private NDA. Councilman A. A. "Joe" Savilla said he would like to know how we got divorced and didn't even know it. Mayor Casto said he was told if they could get the new NDA established, they could get the 5013-C and they could get a lot of things from Flexeys and Monsanto for getting this. The Secretary of State issued the corporation in the name of Nitro Development Authority of Kanawha-Putnam Counties, Nitro, West Virginia. It doesn't include Inc. or Corp.

Mayor Casto said he would get with Diana Painter and call an emergency meeting and let Council know the date. Councilman at Large Richard Savilla said if the building has no insurance we cannot wait until the 21st. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE CONTRACT THE NDA TO SCHEDULE AN EMERGENCY MEETING AS SOON AS POSSIBLE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. Mr. Hammond advised we could not set the meeting, the NDA would have to call it. He said if the motion is perhaps the City Council wanted to have a meeting on whatever date and time and they wanted to direct whomever to get in contact with the members of the Board of the two entities and request they call a meeting to be held co-currently with the council meeting. Mayor Casto said basically he didn't see where a City Council meeting would do any good. They are having the private meeting. Mayor Casto told Councilwoman Tyler that we need to get in touch with Mrs. Painter and get a meeting called of the private NDA and to let Council know of the date so they can be there. A

VOTE WAS TAKEN ON THE MOTION AND IT WAS UNANIMOUS. Mayor Casto said we will get this worked out; we want to do what is right.

AGENDA ITEM NO. 1 - 2002/03 BUDGET: - City Treasurer Ralph Allison distributed copies of the proposed 2002/03 to Council along with a copy of the Sanitary Board's budget. He said basically this is the same budget that they talked about in their last meeting with a couple of changes. He said there were two overhead doors for the Public Works building for $6,150.00 and money in the budget to pave the lot in front of the Public Works building in the amount of $14,879.00, a salt spreader for $3,600.00, a salt shed for $9,763.00, a new slide for the pool in the amount of $12,500.00, a fleet of police cruisers for $85,000, and a new used truck for the humane officer for $12,000.00, $5,000.00 for senior citizens, $5,000.00 for the levy election, a new employee to be shared by the Building Department and City Hall and payments on the fire trucks and the Library budget is seventy-five percent of what they asked for. Everything else is the same as discussed in their meeting.

City Recorder Joan McClanahan said she thought they decided not to get the fleet of cars. Treasurer Ralph Allison said they did, but he had it in there now, and she asked why? Mr. Allison said he thinks it is needed. City Recorder Joan McClanahan asked Council if they didn't agree not to put the potentially incoming Council in debt? Councilman at Large Richard Savilla said he did agreed with it until he checked it out. He said for what we are paying in repairs and supplies and the cost of another couple of new cars we did agree to purchase, it would come out to the same thing. Councilman A. A. "Joe" Savilla said it would come out the same or better when you come down to overhead maintenance and replacement cost. Councilman at Large Richard Savilla said this would be on lease agreement which means unlike us budgeting for purchasing two vehicles. City Recorder Joan McClanahan said she thought when she talked with Chief Jordan later on she thought we had eliminated some Ford Bronco or SUV's in there. Treasurer Ralph Allison said he was not sure of the makeup of the vehicles. Recorder Joan McClanahan said to Chief Jordan that she had talked with him about the fleet of cruisers and then they talked about not getting all twelve, wasn't there some SUV's in there? Councilman Joe Savilla asked Chief Jordan what kind of vehicles they were talking about, and he answered Ford Explorers. Recorder McClanahan asked the annual payments on the cruisers, and Mr. Allison advised it would be $86,000. She asked how we propose to pay for these, and Treasurer Ralph Allison said by reduction of $27,000 taking out $25,000 out of auto repairs and money received from the lottery. Mayor Casto asked what the amount would be this year, and he said he was estimating it to be $286,000.00. Recorder McClanahan asked if this was the amount he had in the original budget and he answered no. Recorder McClanahan said there is no question in her opinion that the police department needs it and deserves it, but she will repeat for someone that might not have been in the budget and committee meetings. She said when they came in office, they were over $200,000.00 in debt. They agreed, if possible, they would not put any potentially incoming and/or Mayor in the same position they were in. She said she thinks there has to be another way to handle this. Councilman A. A. "Joe" Savilla said we have police department, fire department and garbage department, and we are going to have to have major purchases as far as equipment is concerned. We have already got the next Council committed on the garbage trucks and fire trucks. She answered we didn't have any choice on garbage trucks. They were falling apart. Councilman Joe Savilla said we didn't have any choice on police vehicles either. Recorder McClanahan says she feels like we are taking, taking and taking from the residents and said she knew it was a sore spot with her, and she will be the first to admit it, is the garbage bags or lack of garbage bags. She said it was such a minute amount of money compared to the money we spend on other things. She said she realized

that Council wasn't in the position to hear what she and the Mayor hear everyday at City Hall. Citizens do not see a new police cruiser as being something we are giving to the City. They don't see a new fire truck as something we are giving to the City. They as being the residents, they want something tangible, something that belongs to them, a box of garbage bags. If that is what it takes, then she can understand that. We raise their municipal service fee and she is only one vote. She said it certainly wasn't because she had any problem with our police department, because she doesn't. She said they don't come any better than the guys we have and our Chief is doing a fine job, so don't ever let it be said it is personal because it is not. Councilman A. A. "Joe" Savilla said the only way we are going to keep them is to raise their salaries, and we're sure not raising salaries so we had better keep them new equipment. The only way we can keep them in good equipment is to keep the people here that are paying the taxes. Councilman Joe Savilla said do you think people are going to leave over the garbage bags. He said the people of Charleston are raising their fees. Recorder Joan McClanahan said they are raising the fee to $15.00 per month and ours is already $20.00 and the City of Charleston give garbage bags. Councilman at Large Rich Savilla commented they are also bankrupt, and Recorder McClanahan said two years ago we were too. Garbage bags are not that major. Councilman David Miller said he could see the City Recorder's argument for the garbage bags, but he is sitting here and there are three streets that are in severe need of paving. They are Kapok Street, Boundary Street and Broadway Avenue. He said there is no way that he can justify garbage bags with these three streets caving in. She said let's pave streets then. Councilman David Miller said Boundary Street is caving in, Broadway is caving in and streets in Brookhaven that are caving in and 31st Street East has a big slip on it. City Recorder McClanahan said she was aware as anyone here, except the Mayor, of everything we hear everyday of the problems within this town. She said she was only one vote. Mayor Casto said with all due respect to all members of Council, but he was afraid that if we don't come back with these garbage bags they are going to go after the levy. He said he could be wrong, but they hear it everyday and asked the City Recorder if he wasn't right. City Recorder Joan McClanahan said Council knew he was right; the members are intelligent and they understand. Councilman at Large Richard Savilla asked if the citizens of Nitro would be so vindictive because they didn't get some boxes of garbage bags that they would put this damn city in debt. Mayor Casto said it is what he hears at City Hall. He said it is total ignorance; he said there is no way these people in the city are that stupid. They wouldn't do anything like that. Councilman A. A. "Joe" Savilla said the failed levy didn't have anything to do with garbage bags, it was because of a person that was sitting in the seat that Joan is in. Councilman at Large Rich Savilla said he feels we are making way too much out of these garbage bags and Councilman Joe Savilla agreed. Councilman David Miller said we are paying roughly $4.50 a box for garbage bags. He said they could go to Dollar General or Nitro Super Market. City Recorder Joan McClanahan asked the Treasurer Ralph Allison what convinced him that it would be more feasible for us to buy the fleet and he answered it is irrelevant, but he will say it is what the majority of Council wanted. He said he would also say there is no slack in this budget. Councilman David Miller said he knew the Treasurer Ralph Allison put a lot of work into this budget. Councilman Miller said we shouldn't spend all the money we have; we should hold some back for emergencies. City Recorder Joan McClanahan said she feels this is what the Treasurer was trying to do, but it didn't work. Councilman David Miller said he just hates to spend every penny we have coming in, and City Recorder Joan McClanahan said it sounds like that is what we are going to do. Councilman at Large Timothy Sizemore said he sees the garbage bags are back in the budget. Treasurer Ralph Allison said he apologizes because he did not mean to leave it in there, and Recorder Joan McClanahan said they could save that $20,000. Councilman at Large Richard Savilla asked if this would give a $20,000 for rainy day, and Treasurer said it did. Councilman at Large Richard Savilla said he

thinks we should drop the subject on the garbage bags. City Recorder Joan McClanahan said apparently it is just left for a vote. Are we going to vote on the budget tonight? Councilman at Large Richard Savilla said they could be just told the garbage bags won't be coming back and they will just forget about it. City Recorder McClanahan said we can tell them that. Councilman Rich Savilla said he heard the same argument over alley pickup, people raising five kinds of cane that the garbage wasn't going to be picked up in the alley anymore and threatening this and threatening that and that you will never be in office again and all that kind of crap. He said we just told them that it wasn't going to happen and he hasn't heard anything since. Councilman at Large Joe Savilla said he didn't run last time to get re-elected. He ran because he heard the city was bankrupt, and if he runs again next time, he hopes it won't be for the same reason. He said he thinks we have got to be aggressive and progressive. City Recorder Joan McClanahan stated she was not using the garbage bags as a means to campaign. She said she didn't know where she would be two years from now and nor do any of us know where we will be two years from now. Councilman at Large Joe Savilla said he could be dead and City Recorder Joan McClanahan said she could too. She said it was because Nitro is her hometown and we raised the municipal service fee. It is a provision that we are going to give you back the garbage bags and have we done it, no we have not, and yes it is in the code book provided the City. She said she wasn't here to argue; she said she was through. Councilman Joe Savilla asked how it got in the code book, he said he didn't remember saying that. She answered that it was there that we might not have said it, but somebody did. Councilman David Miller said he was on the Planning Commission in 1981 or 1982, and at that time they came behind your house and picked up your garbage. The trade off, which was primarily to buy votes, we are not going to pick up your garbage behind your house anymore and we are not going to spray your garbage cans anymore and City Recorder Joan McClanahan added we're not going to pick up twice a week behind your house anymore. Councilman Rich Savilla said they told them they are going to bring it out to the curb but we are going to provide you with trash bags so you can bring it out to the curb. The only two cities in WV that offer garbage bags was Charleston and Nitro. He said Charleston has privatized their garbage pickup and they will be doing away with their garbage bags if they haven't already. Most cities nationally, he said he did research on this, that do provide garbage bags the citizens pay an extra fee to buy the garbage bags from them. They also buy tags that go with the garbage bags. If you have an untagged bag, then your address is written down and you pay an extra fee for an untagged bag. City Recorder Joan McClanahan said she believed it was the consensus that the garbage bags are not to be discussed anymore, and you will not hear it from her again. However, I still think we should have them. Councilman Bobby Smith said when they moved to where they are now, they were picking up their garbage in the alley. Then some of the Council at the other end of town set their garbage out in front of the street, and they came down and said you all are going to start putting your garbage out here too. He asked why and was told if we have to then you have to. Councilman Rich Savilla told him that this had nothing to do with it. Councilman Smith said instead of arguing he puts his garbage out every Tuesday night waiting for them to pick it up on Wednesday morning. He said he came down and asked A. J., the Director of Public Works, why can't they put pickup back in the alley and was told that he wasn't having his men pick up garbage in the alley. He said when they come down the alley to pick up lumber and other excess stuff that is piled up, then they take the lid off of the garbage can and take it too. He asked what was the difference on trash day and picking up garbage day. Councilman at Large Richard Savilla said that this wasn't the main reason, but Councilman Bobby Smith said this is what he was told. Councilman Rich Savilla said the main reason was they were getting complaints from the City Garage and they were getting medical claims from the garbage workers. The alleys were so narrow that they were having to pick the garbage up over the fences and swing them in the truck at an awkward angle which was

throwing their backs out and hurting our workers. Councilman Smith said they should have been wearing a safety belt, and Councilman Rich Savilla said this wouldn't matter; you could wear the safety belt and still get hurt. He added that the trash pickup is only once a month. He said everyone else in the city puts their garbage out front. Another complaint was that they were tearing up the trucks with the trees and overhanging branches in the alley. It was a lot of things, it wasn't just one thing. It was a combination of things. Councilman Bobby Smith said we now have end loaders and he can't see any difference in going in the alley and throwing the garbage in the back of the truck as throwing it in the back of the truck in front of his house. Councilman at Large Rich Savilla said suppose they do that, then everyone in the City will request the same thing. Councilman Smith said well. Councilman Rich Savilla said we just can't do it; it takes time too. We have limited resources and time to pick up the garbage. It takes twice or three times as long to go around the house to pick up the garage.

Councilwoman at Large Brenda Tyler asked the City Treasurer Ralph Allison that with the budget he gave to Council, did he think we would have the money to meet it, and he answered yes.

COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ACCEPT THE BUDGET AS PRESENTED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA.

Councilman David Miller asked if we had settled with the police and fire, and the City Treasurer asked if someone could tell him an amount. He said probably one half of it could come out of this years funds. City Treasurer Ralph Allison said we are spending 25% of the police department's budget and probably 15% of the fire department's budget on Nitro Marketplace. We are spending $250,000 a year out there and getting $80,000. Councilman Tim Sizemore said this is why he got thrown out of the meeting before they ever signed these contracts because they said he didn't know what he was talking about. Councilwoman at Large Brenda Tyler said we have talked and talked about this and it is time we made a move on it. She said if it is up to our attorney or whomever, let's get with it. Councilman Joe Savilla said it would be our Treasurer, the Mayor and our Attorney. Councilwoman at Large Brenda Tyler said we need to check to determine if we can de-annex them so that we can hold it over their head. Councilman at Large Richard Savilla said if do de-annex, we are responsible for the fire truck and the cost of the annexation. Councilman at Large Tim Sizemore said he feels it would be a big mistake to de-annex. Mayor Casto said in 14 years the City will be getting the B & O money. Councilman at Large Richard Savilla said he would like to direct the Mayor to give the contract to our City Attorney and have it reviewed and look at our legal options. He asked the Mayor could he do that, and he said he would. Councilman Rich Savilla said he feels there are some provisions in the contract. Councilwoman at Large Brenda Tyler asked if there was something in the contract about them failing to develop that property further. Councilman at Large Tim Sizemore said there is nothing in there. It is mainly on the City's end. Mayor Casto said we now have the budget before us, and Councilman Rich Savilla said we have until the end of July to change it. Mayor Casto said we must submit our budget before March 28, 2002. Councilwoman at Large Brenda Tyler asked whenever we put our Fire Chief over the Building Department, and asked did we gave the Chief extra money for overseeing that department. City Recorder Joan McClanahan told her he was brought up to the same salary as Chief Jordan. Councilwoman Tyler wanted to know if he gets a salary for overseeing the Building Department. Mayor Casto asked the Treasurer the amount and he informed it was $3,000 a year. City Treasurer Ralph Allison said he knew the Building Department was bringing in more money. Mayor Casto said Bryan was catching on fast and the Recorder Joan McClanahan said he has come a long way. Mayor Casto said he needs someone

else in the office so when he goes out on inspections they can write up licenses, etc. Councilman at Large Tim Sizemore asked when the business license is written, who writes them. City Recorder Joan McClanahan explained that when an individual comes in and picks up an application for license and fills it out and brings it back in with their money. Bryan Casto does all the building permits and makes sure they have a license. Councilman at Large Richard Savilla said he was told the Building Department was suppose to be under the Fire Department, and City Treasurer Ralph Allison said this is where Council put them. Councilman Rich Savilla said they were suppose to be under the Fire Department even before they put them there. He asked why we were paying extra money for something that's already suppose to be done. City Treasurer Ralph Allison said Council voted to do this. Recorder Joan McClanahan said she remembered the question as to why one chief would make more than the other. She told Chief Jordan that she believes this was before he was here so it didn't have anything to do with him. Councilman David Miller asked what was the chain of command if Chief Hardman is out of town, would the Captain on duty supervise him. He asked if we should be paying a flat rate or should we be paying for time spent like step up. If the Chief is out of town would someone from the fire department fill in his duties or is Bryan Casto left alone, and Mayor Casto said Bryan is left alone. Councilman David Miller said then the chain of command goes from Hardman to Casto. City Recorder Joan McClanahan said as far as Bryan being left alone, she advised that Pansy and I assist him. Councilman David Miller said this wasn't what he was getting at; there is no chain of command. City Recorder Joan McClanahan asked Councilman David Miller if he wanted to eliminate Chief Hardman from head of the building department. Councilman David Miller said he was just saying that if Chief Hardman is gone to Scout Camp for a couple weeks, etc. Recorder McClanahan said she thinks it is a comfort zone for Bryan. He is still feeling his way through it, and to depend on, if nothing else, having someone present who has more experience, knows what to do and who to call if there is a problem. She said if you go tampering with that department, you are going to pull his security and mess him up. As the Treasurer advised, they are bringing in more money and it is operating more efficiently. Councilwoman Tyler said that if Chief Hardman is out of town and a problem occurs in the Building Department, who does he have to go to. Who is his boss? Who is going to tell him what he is should be doing? Councilman Joe Savilla said at the police department, Chief Jordan is in charge. Councilman David Miller said all of the other departments have some kind of a chain of command. Mayor Casto said the Building Inspector comes to him if he has something major and he also talks to the Recorder. Councilman Joe Savilla and Councilman at Large Rich Savilla said he should go to someone that knows something about the building codes. Councilwoman Tyler asked when Chief Hardman wasn't there and one of the Captain steps us, do they receive extra money for filling that duty while the Chief is gone, and Councilman David Miller said no they do not. Councilwoman Tyler said then they shouldn't receive any money for his job. She said once you step up and fulfil the position of the fire chief then you are also taking on the responsibilities of all his job. Councilman Miller asked if we are already suppose to be doing the job, why are we paying extra? Councilman David Miller said he had a question of the chain of command. There is one in the police department, public works and appears to be one at the library. There is one in City Hall. There is one at the Sanitary Board. He said in the building department it doesn't go past Bryan. Recorder McClanahan said they are not dealing with a fire or murder in the building department, and with a fire or crime they have to be attended to immediately. Councilman David Miller said it was still a life safety code that they are enforcing. Councilman Tim Sizemore said he was one of the proponents of this when it was changed over, and he still is, but before we go making a lot of changes to it, time has past and in his assumption and what he can tell so far, he didn't know anyone else presently who would be qualified to make an electrical inspection. He commented we put money in the budget to educate

these people; they are being educated and Bryan Casto is eating it up and doing a good job. The thing about it is we are going to get into a hairy situation where, this goes back to past practice, if it is not done properly the liability falls on somebodies head. Councilman David Miller said he thinks they are misinterpreting this. He said what he was getting at is that he doesn't want the same situation that we had with Bob Sergent. He didn't answer to anyone and if he was out of town, Mike done what he saw fit to do. When Mike was out of town and Bob was there, Bob did whatever he wanted to do and never answered to anyone. Councilman Tim Sizemore said he agreed. He said he didn't want one person to have to shoulder all the responsibility. If he is hurried or rushed because Chief is out of town and there are twenty inspections that has to be done, he is up against a tight schedule if the bank says we must have this inspection done today or the borrower won't get their money. This puts a lot of pressure on Bryan. He said what he is trying to do is have someone to go with him and they could work saying if you run into something that you don't understand I will call you and if they run into something they could call Bryan. He said there are carports overhanging, fences overhanging and mobile homes that were moved and this all happened the last time. We are still dealing with one of those. Councilman Miller said he didn't want to see this happen again. Councilman Tim Sizemore said he wasn't taking anything away from the firefighters. The only problem is if we had to prove something in a situation where houses were not inspected. Councilman Sizemore said if the Building Inspector gets in a situation that he doesn't know anything about, he calls another building inspector.

Mayor Casto asked if there were anymore questions on the budget. A VOTE WAS TAKEN FOR THE APPROVAL OF THE BUDGET AS SUBMITTED, AND IT PASSED WITH CITY RECORDER JOAN MCCLANAHAN OPPOSING.

BUDGET ATTACHED.

Mayor Casto said this was the three items on the agenda, and according to the City Ordinance, they were nott allowed to discuss any other items, he declared the meeting adjourned.

Rusty Casto
RUSTY CASTO, MAYOR

Joan M. Clanahan
JOAN MCCLANAHAN, RECORDER

RESOLUTION 02-04

Be it resolved by the city council of the City of Nitro, West Virginia;

Whereas, the city of Nitro, does recognize the need to expand the "Playground" facilities situated within the Nitro City Park area; to create sufficient facilities for the handicap and in general to provide safe updated equipment and,

Whereas the City of Nitro does possess a sufficient portion of land, adequate in size with possible future expansion lying just east of, and adjacent to the Nitro Municipal Swimming Pool; and,

Whereas, the City of Nitro, does hereby establish this area described above to be known as the Nitro City Playground with handicap accessibility.

Formally established this 12th day of March, 2002 AD.

Those members of the city council voting aye_____

Those members of the city council voting nay_____

Signed by the,

Mayor
Rusty Casto

Recorder
Joan McClanahan

REVENUE	Budget June 30, 2002	Actual June 30, 2001	Projected June 30, 2003	Final June 30, 2003
PROPERTY TAX	816,645	559,856	816,645	816,645
BUILDING PERMITS	20,000	25,093	22,500	25,000
INSPECTION FEES	2,000	2,150	2,100	2,100
PAR INDUSTRIES	168,000	168,000	168,000	168,000
B & O TAX	700,000	773,314	775,000	775,000
THF REALTY-B&O TAX	51,500	40,000	53,000	53,000
UTILITY TAX	220,000	198,037	200,000	200,000
PARKS AND POOL	24,000	34,249	30,000	41,200
LIQUOR TAX	18,500	19,305	19,000	20,000
BUSINESS LICENSES	34,000	30,618	30,000	34,000
DOG TRACK	44,000	31,421	30,000	30,000
DOG TRACK-LOTTERY	90,000	151,643	200,000	285,961
INTEREST INCOME	5,000	1,800	1,800	5,000
CIVIC BENEFITS ASSOC	120,000	120,000	120,000	120,000
RENT INCOME	15,600	17,200	18,000	18,000
COURT COSTS	36,000	42,776	40,000	43,000
COLLECTION INCOME	2,500	3,813	3,600	3,800
LIBRARY FEES	770	923	850	900
MUNICIPAL SERVICE	680,000	659,302	660,000	660,000
FRANCHISE FEES	24,000	36,561	36,000	37,000
COAL SEVERANCE	12,000	10,131	10,000	10,000
REIMBURSEMENTS:				
INSURANCE	21,000		21,000	21,000
CITY CALENDAR	7,000	7,218	7,000	7,000
FIRE TRUCK	54,000	54,000	54,000	54,000
HOSPITALIZATION	14,900	15,226	15,823	15,823
POLICE WAGES	32,000	41,727	32,000	42,000
SENIORS		1,546		
MISCELLANEOUS		928	1,000	1,000
NDA		7,200		
TOTAL	3,213,415	3,054,037	3,367,318	3,489,429
TOTAL EXPENSES REQUESTED			4,129,113	3,489,429

BUDGET HAS TO BE SUBMITTED TO STATE BY MARCH 28, 2002

						1
MAYOR						
			Budget	Actual	Requested	Final
			June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003
SALARIES			31,000	35,320	31,000	31,000
RETIREMENT			2,945	3,507	2,945	2,945
FICA TAX			2,372	2,702	2,372	2,372
DUES			1,750	3,955	2,000	2,000
DEPT SUPPLIES			1,000	1,385	1,000	1,000
TRAVEL			500	100	500	500
CALENDAR			7,000	7,102	7,000	7,000
						-
CITY BEAUTIFICATION			-	-		
			46,567	54,071	46,817	46,817

					2
CITY COUNCIL					
	Budget	Actual	Requested	Final	
	June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003	
SALARIES	16,800	16,800	16,800	16,800	
RETIREMENT	684	684	684	684	
FICA TAX	1,285	1,969	1,285	1,285	
SENIOR CITIZENS		5,000		5,000	
	18,769	24,453	18,769	23,769	

					3
CITY RECORDER					
		Budget	Actual	Requested	Final
		June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003
SALARIES		16,500	16,500	16,500	16,500
OFFICE MANAGER		3,000		3,000	3,000
RETIREMENT		1,853	1,568	1,853	1,853
FICA TAX		1,492	1,262	1,492	1,492
LEGAL ADS		3,500	3,189	3,500	3,500
SUPPLIES		750	873	750	750
TRAVEL		500		500	500
RECORD BOOKS		1,000	125	1,000	1,000
ELECTION				5,000	$ 5,000
		28,595	23,517	33,595	33,595

				4
TREASURER				
Budget	Actual	Requested	Final	
June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003	
SALARIES	17,500	17,500	25,000	25,000
CONTRACT SERVICES	2,500	2,500	2,500	2,500
SUPPLIES	100	194	100	100
WORKERS COMPENSATION	110,000	105,461	105,000	105,000
	130,100	125,655	132,600	132,600

					5
BUILDING INSPECTOR					
	Budget	Actual	Requested	Final	
	June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003	
SALARIES	23,800	41,779	44,600	31,600	
RETIREMENT	2,261	2,261	4,237	3,002	
FICA TAX	1,821	1,821	3,412	2,417	
DUES		375	400	400	
DEPT SUPPLIES	5,000	5,813	5,000	5,000	
TRAVEL	500				
AUTO SUPPLIES	1,500	199	2,000	1,500	
UNIFORMS			750	750	
EDUCATION	3,000	3,371	3,000	3,000	
	37,882	55,619	63,399	47,669	

				6
CITY HALL				
	Budget	Actual	Requested	Final
	June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003
SALARIES	76,506	75,258	60,000	83,202
RETIREMENT	7,268	6,447	5,700	7,904
FICA TAX	5,853	5,757	4,590	6,365
PROFESSIONAL SERVICES	41,000	44,125	30,000	41,000
INSURANCE	85,000	81,671	85,000	85,000
DEPT SUPPLIES	20,000	32,317	30,000	25,000
GROUP INSURANCE	325,000	292,361	364,500	322,000
ELECTRIC	18,000	16,536	17,000	17,000
GAS	5,000	5,817	6,000	6,000
WATER	9,500	10,443	10,000	10,000
TELEPHONE	17,000	30,924	30,000	17,000
FIRE HYDRANTS	11,500	12,762	12,750	12,750
STREET LIGHTING	60,000	53,701	54,000	54,000
COLLECTIONS	17,500	7,291	17,500	17,500
JUROR FEES	2,500			1,500
REGIONAL JAIL EXPENSES	3,000			2,000
CAPITAL OUTLAY	5,000			4,000
	709,627	675,410	727,040	712,221

				7
POLICE DEPARTMENT				
	Budget	Actual	Requested	Final
	June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003
SALARIES	479,362	470,190	686,950	548,000
RETIREMENT	64,452	62,770	49,707	60,000
FICA TAX	36,671	35,970	52,368	40,928
SHELTER FEES	4,800	4,800	4,800	4,800
TELETYPE	2,700	10,988	2,700	2,700
DEPT SUPPLIES	25,000	29,370	30,000	30,000
UNIFORMS	22,000	8,330	22,000	15,000
AUTO SUPPLIES	45,000	46,308	50,000	25,000
MAINT & REPAIR		7,914	10,000	5,000
CRIME PREVENTION	2,000		2,000	2,000
COMMUNICATION EQUIPMENT			10,000	8,000
TRAINING	13,000	4,759	17,000	13,000
RADIO TOWER RENTAL	3,600	3,600	3,600	3,600
CRIME VICTIMS FUND	16,000	16,020	16,000	16,000
EQUIPMENT RENEWAL	2,000	467	12,000	6,000
POLICE RESERVES	1,500	1,200	1,500	1,500
CAPITAL OUTLAY	60,000	13,192	126,000	110,000
BUILDING MAINTENANCE			10,000	6,000
MEDICAL EXAMINATIONS	4,000		6,000	4,000
MEDICAL SUPPLY	2,000		2,000	2,000
	784,085	715,878	1,114,625	903,528

				8
MUNICIPAL COURT				
Budget	Actual	Requested	Final	
June 30, 2002	June 30, 2001	June 30, 3003	June 30, 3003	
JUDGE	-	7,500	-	
PROSECUTOR	-	6,000	-	
COURT CLERK	-	20,800	-	
CAPITAL OUTLAY	-	3,000	-	
OFFICE SPACE FOR JUDGE	-	2,400	-	
PRINTING	-	600	-	
OFFICE SUPPLIES	-	500	-	
PAGERS	-	288	-	
JUROR FEES	-	2,000	-	
CRIVE VICTIM FUND	-	16,000	-	
REGIONAL JAIL EXPENSES	-	3,000	-	
	-	-	62,088	-

					9
FIRE DEPARTMENT					
		Budget	Actual	Requested	Final
		June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003
SALARIES		323,337	264,528	377,337	340,000
RETIREMENT		49,952	84,803	65,000	60,000
FICA TAX		24,735	20,236	30,200	26,010
VOLUNTEERS		9,000	4,760	9,000	9,000
CONTRACT SERVICES		2,000	32	2,000	2,000
DEPT SUPPLIES		20,000	14,353	24,500	20,000
UNIFORMS		8,000	4,283	9,500	8,000
AUTO SUPPLIES		10,000	9,179	12,000	10,000
MAINT & REPAIRS		26,000	2,746	14,000	10,000
TRAINING		8,000	1,297	8,000	8,000
FIRE PREVENTION OFFICER		1,000		2,000	2,000
TRAINING OFFICER		2,000		3,000	2,000
EML & PC		7,500		7,500	7,500
CAPITAL OUTLAY		108,825	57,524	108,825	108,825
		600,349	463,741	672,862	613,335

					10
PUBLIC WORKS					
	Budget	Actual	Requested	Final	
	June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003	
SALARIES	331,224	321,467	372,395	385,000	
RETIREMENT	31,466	31,553	35,378	36,575	
FICA TAX	26,294	24,592	32,769	29,453	
CONTRACT SERVICES	10,000	8,514	15,000	10,000	
GARBAGE BAGS			20,000	20,000	
DEPT SUPPLIES	44,000	33,811	48,000	40,000	
AUTO SUPPLIES	30,000	42,693	25,000	30,000	
BUILDING REPAIR	2,000	7,002	2,000	2,000	
EQUIPMENT REPAIR	19,000	5,310	19,000	10,000	
LANDFILL	205,000	217,127	205,000	217,000	
ASPHALT & SAND	25,000	5,190	25,000	15,000	
STREET REPAIRS			30,000	20,000	
CAPITAL OUTLAY	48,000	33,314	135,711	75,191	
	771,984	730,573	965,253	890,219	
					11

POOL	Budget June 30, 2002	Actual June 30, 2001	Requested June 30, 2003	Final June 30, 2003
SALARIES	17,000	17,538	20,000	18,000
FICA TAX	1,300	1,342	1,500	1,377
POOL MANAGER	4,800	6,141	5,000	4,800
UNIFORMS	-		800	800
POOL CHEMICALS	-		2,000	2,000
SWIM TEAM	-		1,000	1,000
HOMECOMING EVENTS	-		500	-
SUPPLIES	10,000	7,922	12,000	8,000
CAPITAL OUTLAY	-		192,600	7,200
	33,100	32,943	235,400	43,177

LIBRARY	Budget	Actual	Requested	Final
	June 30, 2002	June 30, 2001	June 30, 2003	June 30, 2003
SALARIES	20,800	39,916	40,560	30,420
RETIREMENT	1,976	3,157	3,260	2,445
FICA TAX	1,591	3,054	2,625	1,969
CONTRACT SERVICES	3,120	834	3,120	2,340
DEPT SUPPLIES	600	1,323	800	600
EDUCATION	250		500	375
MAINTENANCE	800	516	800	600
BOOKS	1,500	2,913	4,000	3,000
CAPITAL OUTLAY			1,000	750
	30,637	51,713	56,665	42,499

CITY OF NITRO

COUNCIL MEETING MINUTES

MARCH 19, 2002

The City Recorder Joan McClanahan called the Council Meeting to order at 7:30 p.m. in Council Chambers at the Community Center. Present were Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy 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 Mayor Rusty Casto.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

AGENDA ITEM NO. 1- APPROVAL OF MARCH 5, 2002 COUNCIL MEETING MINUTES:- COUNCILWOMAN AT LARGE BRENDA TYLER MOVED FOR THE APPROVAL OF MARCH 5, 2002 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED WITH COUNCILMAN HARRY MILLER, III AND COUNCILMAN A. A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 - APPROVAL OF MARCH 12, 2002 SPECIAL COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE SPECIAL COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED WITH COUNCILMAN HARRY MILLER, III ABSTAINING.

AGENDA ITEM NO. 3 - 2ND READING ORD. SANITARY BOARD RATE INCREASE: - COUNCILMAN HARRY MILLER, III MOVED WE READ TITLE ONLY ON ORDINANCE, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. The Sanitary Board Attorney advised they amended the ordinance by deleting certain language relating to the notice that was given in the newspaper. He advised that it was standard operating procedure. The language in the ordinance to begin with was giving her as clerk the direction to publish, but in the second reading they deleted this. City Recorder Joan McClanahan informed that she discussed this with our City Attorney and there is no problem with this. City Recorder Joan McClanahan read title, Ordinance Amending and Reenacting an Ordinance Establishing Rates and Charges for Services Rendered by the Nitro Regional Wastewater Utility, as Amended. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED, WITH COUNCILMAN AT LARGE TIM SIZEMORE OPPOSING.

ORDINANCE 02-02 ATTACHED.

AGENDA ITEM NO. 4 - SANITARY BOARD BUDGET: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE SANITARY BOARD BUDGET BE MADE A PART OF OUR RECORDS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

SANITARY BOARD BUDGET ATTACHED.

AGENDA ITEM NO. 5 - AGENDA ITEM NO. 5 - NDA REPORT: - City Recorder said some members of Council were present for an informal meeting held Saturday, and asked Councilman A. A. "Joe" to expand on this. She explained that they met to try and resolve some of the differences they have had, or the concern Council has expressed about what is happening with the NDA. Recorder Joan McClanahan said it was her feeling that everyone really would like to work out our differences. The only major request they had initially was the ordinance on groundwater that had been tabled, they would very much like to see this approved and passed by Council. This is holding up the Fike/Artel purchase. Also, their assets have been frozen to some degree and they asked that we release those funds so they can pay their bills. She said it was a productive meeting. Councilman A. A."Joe" Savilla said they want to work with us to turn this property back over to the public NDA. They informed they did this on the advice of Counsel, that this was the only way they could get that tax number was to become a private NDA. They want to work with us and get these two Boards back as one again.. Councilman Joe Savilla said he too thought this was a productive meeting, but he felt there was a lot more we need to talk about. He said he wanted to go into Executive Session later regarding personnel.

AGENDA ITEM NO. 6 - HANDICAPPED ACCESSIBLE RESTROOM - PLAYGROUND: - City Recorder Joan McClanahan said at the last meeting they discussed handicap accessible restrooms, and Council felt we should wait until next summer to even try to do anything about it. Councilman Joe Savilla said one of his concerns was the access to the restrooms at the pool. She said it wasn't practical. She spoke with A. J. Hill and Mark Jarrett about if there was any way they could do anything about it now as opposed to waiting. She said it would be dependent upon our Treasurer if we have the funds. The approximate cost would be $7,352. A. J. informed that this would be an approximate cost of new restroom facilities adjoining the pool. It would be handicap accessible. It was mentioned they could use the restrooms at the pool and after review, we would probably be looking at least $4,000 to go in and put in new commodes and urinals. You really don't know what you are getting into until you go into it. Councilman A.A. "Joe" Savilla asked if they made handicap accessible port-a-johns and A. J. said they did. Councilman Joe Savilla said this could be a short term solution until we come up with the money to build first-class handicap accessible facilities there. Councilman Savilla asked if A. J. would check on this. Councilman David Miller said there might be some type of grant we could get for this. Councilman at Large Richard Savilla said a couple of years ago when the Director of Sycamore Landfill came to inform of the rates going up, he mentioned to us to let him know if there were some small projects that his outfit could fund such as restrooms and things of this kind. Recorder Joan McClanahan said if Council is in agreement we will wait until we hear from A. J. about the portable costs before we make a decision..

AGENDA ITEM NO. 7 - NITRO FIREMENS PENSION BOARD ELECTION RESULTS: COUNCILMAN DAVID MILLER MOVED THE NITRO FIREMENS PENSION BOARD ELECTION RESULTS BE MADE A PART OF RECORD, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.

COPY ATTACHED.

AGENDA ITEM NO. 8 - NITRO POLICEMENS PENSION BOARD ELECTION RESULTS: - COUNCILMAN DAVID MILLER MOVED THE NITRO POLICEMENS PENSION

BOARD ELECTION RESULTS BE MADE A PART OF THE CITY RECORD, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.
COPY ATTACHED.

AGENDA ITEM NO. 9 - APRIL ROBERTSON: - Recorder Joan McClanahan yielded the floor to our City Attorney April Robertson. City Attorney April Robertson said the only thing she had for Councils' consideration was the second reading of an ordinance on the ground water that had been tabled and which has a direct impact on the purchasing of the Fike/Artel property. COUNCILMAN A. A. "JOE" SAVILLA MOVED TO BRING THIS ITEM OFF OF THE TABLE, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO READ TITLE ONLY OF ORDINANCE, SECONDED BY A. A. "JOE" SAVILLA. Attorney April Robertson read title, Ordinance amending the Zoning Ordinance of the City of Nitro, West Virginia and Adding a New "Restricted Use" Zoning District, in which the drilling and extraction of groundwater from any property located in such district is prohibited. COUNCILMAN AT LARGE RICH SAVILLA MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED WITH COUNCILMAN AT LARGE TIM SIZEMORE AND COUNCILMAN BOBBY SMITH VOTING IN THE OPPOSITION.

ORDINANCE 02-03 ATTACHED

AGENDA ITEM NO. 10 - RALPH ALLISON: - NOTHING TO REPORT.

AGENDA ITEM NO. 11 - MAYOR'S COMMENTS: - NO COMMENTS

COUNCILMAN A. A."JOE" SAVILLA MOVED WE GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 7:50 P.M.
BACK INTO REGULAR SESSION 8:30 P.M.

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

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN,RECORDER

CITY OF NITRO

PUBLIC HEARING

MARCH 19, 2002

The public hearing was called to order by City Recorder Joan McClanahan in Council Chambers at 6:30 p.m. Council members present Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy Sizemore, and Councilman David Miller. Also present were City Attorney April Robertson, Danny Lewis, General Manager of the Nitro Sanitary Board, Jack Ramsey, S & S Engineers, Ralph W. Laton, CPA for the Sanitary Board, Ashok Sanghavi, S & S Engineers, Kim Painter, Member of the Sanitary Board, Dennis Vaughan, Attorney for the Sanitary Board since 1970, Citizens W. R. Lewis, James Bonnett, Harvey Collins, Charles Williams, Daniel Shinn, John R. Gillispie, Maxine Gillispie, Bryan Casto, Dean Miller, Karl H. Slater, Betty Smith, John Montgomery, David Payne, reporter from Daily Mail.

The purpose of the public hearing is to hear comments and ask questions regarding the proposed Sanitary Board two step rate increase totaling 23.7%. The proposed first step represents a 15.7% increase to compensate for lost revenue resulting from the loss of customers, to pay competitive wages, to add employees, and for other routine expenses of operation. This step is necessary to implement the Sanitary Board's Combined Sewer Overflow ("CSO") plan which has been mandated by the WV DEP and the US EPA.

Mr. W. R. Lewis asked how much money the Sanitary Board was going to lose from the companies that have left or are going. Mr. Danny Lewis answered they have already lost $25,000 from Republic Container, Great Lakes they will lose $6,800, and Fike Artel $4,290.00. Mr. W. R. Lewis asked how much new revenue will they receive, and Mr. Layton answered that the total additional revenues will be from $250,000 to $275,000 per year.

Mr. Jack Ramsey said CSO means Combined Sewer Overflow. In WV there are 54 communities that have combined sewer overflow; Nitro has 6 permitted CSO's. Part of the rate increase is to be able to address the issues that are in our permits.

After a question and answer session, the meeting was adjourned at 7:30 p.m.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

RESOLUTION 02-03

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"), operates a sanitary sewer system known as the Nitro Regional Wastewater Utility.

WHEREAS, the Sanitary Board, after consultation with the Joint Committee of City Council and Sanitary Board, proposes a two step rate increase. The proposed first step represents a 15.7% increase to compensate for lost revenue resulting from the loss of customers, to pay competitive wages, to add employees, and for other routine expenses of operation. This step is necessary to implement the Sanitary Board's Combined Sewer Overflow ("CSO") plan which has been mandated by the West Virginia DEP and the U.S. EPA. The second step constitutes and 8.00% increase over current rates or a 6.8 increase over the 15.7% increase proposed in the first step. It is proposed that the second step be implemented one calendar year from the date of implementation of the first increase. Step two will be applied to the 2002 projects, and pay debt service on the acquisition of a CSO truck, a dump truck, a GM vehicle, and a camera system.

WHEREAS, the attached "Ordinance No. 02-02, Ordinance Amending and Reenacting an Ordinance Establishing Rates and Charges for Service Rendered by the Nitro Regional Wastewater Utility" which is incorporated herein by reference, will, if adopted amend and reenact prior sewer rate ordinances of the City, specifically including but not limited to that Ordinance of May 1, 2001 which amended certain rates and charges for the use of the Nitro Regional Wastewater Utility.

NOW, THEREFORE, BE IT RESOLVED BY THE SANITARY BOARD OF THE CITY OF NITRO, AS FOLLOWS:

Consider and adopt forthwith the attached Ordinance No. 02-02.

WITNESS our signatures on this 26th day of February, 2002.

THE SANITARY BOARD OF THE CITY OF NITRO

By: _____
Mayor of the City and
Chairman of Sanitary Board

_____
Member

_____
Member

_____
Member

_____
~~Engineer~~-Member

ORDINANCE NO. 02-02
ORDINANCE AMENDING AND REENACTING AN ORDINANCE
ESTABLISHING RATES AND CHARGES
FOR SERVICES RENDERED BY THE
NITRO REGIONAL WASTEWATER UTILITY

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, known as the Nitro Regional Wastewater Utility, said utility being under the direction of the Sanitary Board of the City of Nitro; and

WHEREAS, the Governing Body of the City enacted an Ordinance on May 1, 2001, which amended certain rates and charges for the use of the Nitro Regional Wastewater Utility; and

WHEREAS, the Sanitary Board, after consultation with the Joint Committee of City Council and the Sanitary Board, proposes a two step rate increase. The proposed first step represents a 15.7% increase to compensate for lost revenue resulting from the loss of customers, to pay competitive wages, to add employees, and for other routine expenses of operation. This step is necessary to implement the Sanitary Board's Combined Sewer Overflow ("CSO") plan which has been mandated by the West Virginia DEP and the U.S. EPA. The second step constitutes an 8.00% increase over current rates or a 6.8% increase over the 15.7% increase proposed in the first step. It is proposed that the second step be implemented one calendar year from the date of implementation of the first increase. Step two will be applied to the 2002 projects, and pay debt service on the acquisition of a CSO truck, a dump truck, a GM vehicle, and a camera system.

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

1. For one calendar year from and after the effective date of this Ordinance, the rates and charges for the use of and services rendered by the Nitro Regional Wastewater Utility shall be as follows:

First	2,000 gallons used per month 6.58 per 1,000 gallons
Next	3,000 gallons used per month 5.53 per 1,000 gallons
Next	25,000 gallons used per month 4.29 per 1,000 gallons
All Over	30,000 gallons used per month 3.86 per 1,000 gallons

Minimum Bill: $13.16 based upon 2000 gallons.

Residential Flat Rate: Each un-metered residential customer shall be charged a flat rate of $26.98 per month.

2. From and after one calendar year from the effective date of this Ordinance, the rates and charges for the use of and services rendered by the Nitro Regional Wastewater Utility shall be as follows:

First	2,000 gallons used per month 7.04 per 1,000 gallons
Next	3,000 gallons used per month 5.91 per 1,000 gallons
Next	25,000 gallons used per month 4.59 per 1,000 gallons
All Over	30,000 gallons used per month 4.13 per 1,000 gallons

Minimum Bill: $14.08 based upon 2000 gallons.

Residential Flat Rate: Each un-metered residential customer shall be charged a flat rate of $28.86 per month.

3. In addition to the foregoing volume based rates, all customers of the Nitro Regional Wastewater Utility will also be subject to the fees and charges provided below from and after the effective date of this Ordinance:

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 Nitro Regional Wastewater Utility 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 Nitro Regional Wastewater Utility: The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system of the Nitro Regional Wastewater Utility 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.

4. 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 Nitro Regional Wastewater Utility.

5. Any industrial customer served pursuant to a specific sewer service agreement shall be charged as provided in such agreement.

6. 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 Nitro Regional Wastewater Utility 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 Nitro Regional Wastewater Utility.

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

Ordinance proposing two step rate increase
Passed on first reading March 5, 2002.
Public hearing held March 19, 2002.
Adopted on Second reading March 19, 2002.
Effective date May 3, 2002.

Mayor

Attest:

Joan McClanahan
Recorder

Budget Fiscal Year 2002/2003

NITRO SANITARY BOARD

ACOUNT NAME	ACT NO.	BUDGET	MO BUD
DOMESTIC SERVICE	3101	1,280,268.00	106,689.00
INDUSTRIAL SERVICE	3131	30,276.00	2,523.00
PENALTIES	3170	37,532.00	3,127.67
INTEREST INCOME	3201	13,636.00	1,136.33
UTILITY TAX INCOME	3300	17,040.00	1,420.00
MISCELLANEOUS INCOME	3162	41,740.00	3,478.33
TOTAL RECEIPTS		1,420,492.00	118,374.33
BILLING COLLECT/ACCT.	7951	46,712.00	3,892.67
EQUIPMENT RENTAL	7036	2,352.00	196.00
INTEREST	9026	131,132.00	10,927.67
LABOR & RELATED EXPENSES	8007	484,439.00	40,369.92
MISC. GENERAL EXP	8010	11,948.00	995.67
PLANT OPERATION EXPENSES	7461	2,332.00	194.33
PROPERTY & LIABILITY INSURA	7980	63,164.00	5,263.67
RENT	8030	8,400.00	700.00
SHOP & LAB	7246	14,312.00	1,192.67
SLUDGE RELATED	7441	7,676.00	639.67
SPECIAL SERVICES	7970	29,696.00	2,474.67
SUPPLIES	7930	38,388.00	3,199.00
SYSTEM MAINTENANCE & REP.	7952	44,496.00	3,708.00
UTILITIES	7934	124,440.00	10,370.00
VEHICLE EXPENSES	7931	14,660.00	1,221.67
PRINCIPLE PAYMENTS		327,544.00	27,295.33
FUNDS FOR DEBT SERVICE RESERVE		68,801.00	5,733.42
TOTAL DISBURSEMENTS		1,420,492.00	118,374.33

CITY OF NITRO

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

TO: Nitro Fire Department

FROM; Joan McClanahan, Recorder

DATE: March 15, 2002

RE: Election to the Board of Trustees

Sealed ballots for the office of Trustee of the Firemens Pension Board were opened in the Recorder's Office March 15, 2002. Present were City Recorder Joan McClanahan, Captain E. W. Hedrick, II, Captain Jeff Elkins and Secretary Pansy Armstead.

Cory Dean was elected for a four year term.

CITY OF NITRO

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

TO: Nitro Police Department

FROM: Joan McClanahan, Recorder

DATE: March 19, 2002

RE: Election to the Board of Trustees

Sealed ballots for the office of Trustee of the Firemens Pension Board were opened in the Cashier's Office Mach 15, 2002. Present were City Recorder Joan McClanahan, Captain Gene Javins and Pansy Armstead.

Joe Savilla was re-elected for a four year term.

ORDINANCE NO. 02-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF NITRO, WEST VIRGINIA, ADDING A NEW "RESTRICTED USE" ZONING DISTRICT IN WHICH THE DRILLING AND EXTRACTION OF GROUNDWATER FROM ANY PROPERTY LOCATED IN SUCH DISTRICT IS PROHIBITED.

WHEREAS, in order to protect the public health, safety and welfare, the City Council has determined that it is necessary to prohibit the extraction of groundwater and certain groundwater drilling activities within all areas of the City of Nitro west of State Highway Route 25 and north of the southerly boundary of that property known as the Fike/Artel Chemical Superfund Site, all as more specifically shown on the map attached hereto as Exhibit 1 and designated as the "Restricted Use District"; and

WHEREAS, the creation of a new zoning district in the City of Nitro wherein such extraction and drilling activities will be prohibited is consistent with the Comprehensive Plan for the City of Nitro; now, therefore

Be it ordained by the Council of the City of Nitro, West Virginia:

That the Zoning Ordinance of the City of Nitro, West Virginia, enacted the 6th day of October 1970, is hereby amended by adding a new "Restricted Use" zoning district, which overlaps existing districts, in which the extraction of groundwater from any property located in such district is prohibited and drilling activities are prohibited from the surface of any property located in such district to gain access to groundwater at, beneath or flowing from such property, for potable or other purposes, except for the extraction of groundwater from or installation,

modification, or repair of certain monitoring wells operated pursuant to the authorization of federal or state environmental officials; and

That Section 301, Article III of the City of Nitro Zoning Ordinance is hereby amended by adding at the end thereof a new district to be designated as follows: "RU" Restricted Use. The boundaries of the "RU" Restricted Use District include all areas of the City of Nitro west of State Highway Route 25 and north of the southerly boundary of that property known as the Fike/Artel Chemical Superfund Site, all as shown on the map attached hereto as Exhibit 1, and shall be identified and certified as a new District on the map entitled "Official Zoning Ordinance Map" for the City of Nitro on file in the office of the Zoning Officer of the City of Nitro, in accordance with Section 302 of the City of Nitro Zoning Ordinance; and

That the City of Nitro Zoning Ordinance is hereby amended by adding a new Article, designated Article XIA, to provide as follows:

ARTICLE XIA
"RU" Restricted Use District

A. Drilling is prohibited from the surface of any property located in the Restricted Use District to gain access to groundwater at, beneath or flowing from such property, for potable or other purposes, except for the installation, modification or repair of monitoring wells operated pursuant to the authorization of federal or state environmental officials.

B. Extraction of groundwater at, beneath, or flowing from any property located in the Restricted Use District is prohibited except for the extraction of groundwater from monitoring wells operated pursuant to the authorization of federal or state environmental officials.

C. In addition to the requirements set forth in Article XVII hereof and as otherwise provided under applicable law, this Article XIA may not be amended or repealed without providing at least [90] days' prior written notice of the proposed action to the (1) Director of the West Virginia Division of Environmental Protection, and (2) the Administrator of Region III of the U.S. Environmental Protection Agency, or to their

respective statutory successors, addressed to such individuals at the main office for each such governmental agency.

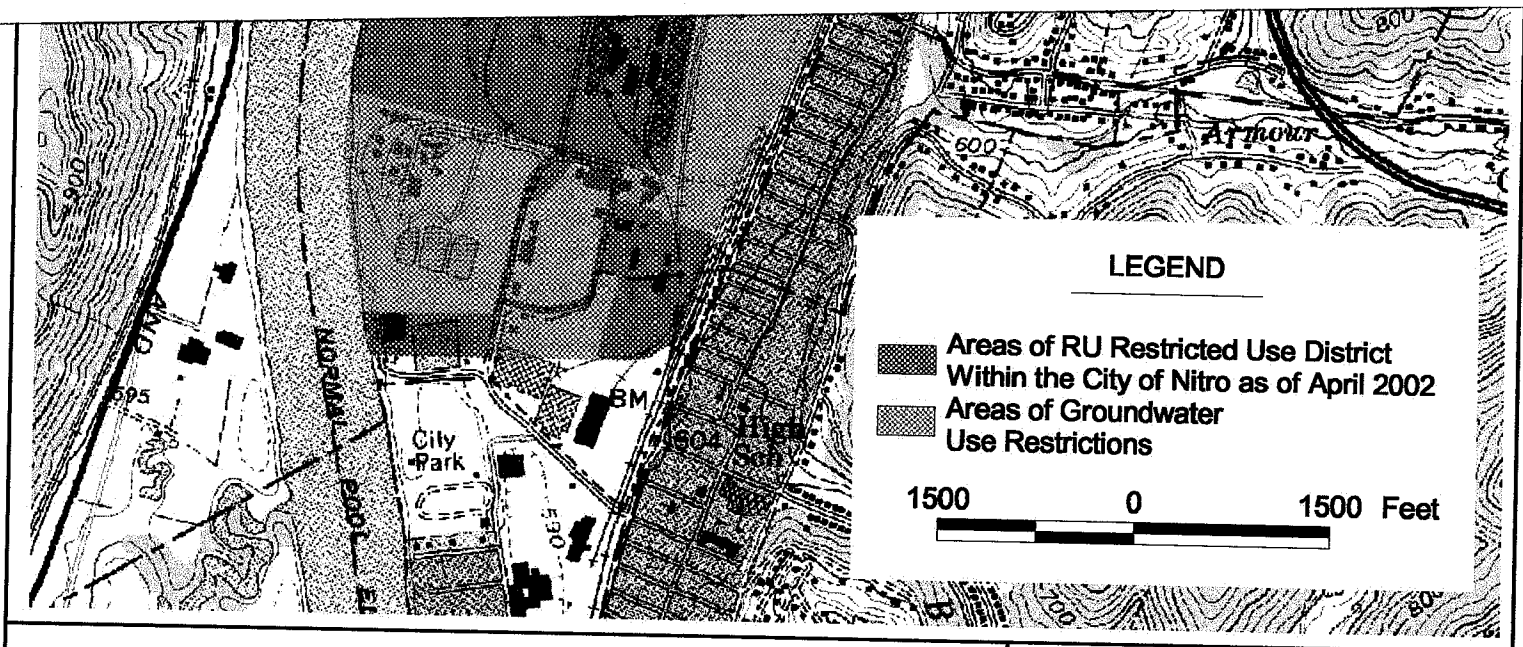
All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Passed on First Reading: January 22, 2002

Adopted on Second Reading: March 19, 2002

Mayor Rusty Casto

Recorder Joan McClanahan



GEOSYNTEC CONSULTANTS
ATLANTA, GEORGIA

EXHIBIT 1
RU RESTRICTED USE DISTRICT
CITY OF NITRO

CITY OF NITRO

COUNCIL MEETING MINUTES

APRIL 2, 2002

Mayor Casto called the 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 Richard Savilla, Timothy 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.

THE INVOCATION WAS GIVEN BY MRS. WITHROW.

AGENDA ITEM NO. 1 - APPROVAL OF 3/19/02 COUNCIL MEETING MINUTES: - COUNCILMAN DAVID MILLER MOVED FOR THE APPROVAL OF MARCH 19, 1902 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III. COUNCILMAN BOBBY SMITH INFORMED HE OPPOSED THE SANITARY BOARD RATE INCREASE BUT IT DIDN'T SHOW UP IN THE MINUTES, AND WANTS IT TO BE MADE KNOWN. COUNCILMAN A. A. "JOE" SAVILLA POINTED OUT THAT THE MEMO TO THE NITRO POLICE DEPARTMENT STATED THE FIREMEN'S PENSION BOARD AND SHOULD HAVE READ NITRO POLICEMEN PENSION BOARD AND THIS SHOULD BE CHANGED. A VOTE WAS TAKEN ON THE APPROVAL OF THE AMENDED COUNCIL MEETING MINUTES AND WAS CARRIED.

AGENDA ITEM NO. 2 - APPROVAL OF 3/19/02 PUBLIC HEARING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE PUBLIC HEARING MINUTES OF 3/19/02 BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mayor Casto said we will skip down to Agenda Item No. 4 at this time.

AGENDA ITEM NO. 4 - HISTORY OF NITRO: - Mayor Casto yielded the floor to Mrs. Withrow who introduced Lauren Dittebrand who attends church on 39th Street. Her family comes from Cleveland, but she was born in the Kanawha Valley. She has adopted West Virginia as her home state. Lauren interviewed Mr. Wintz, Mrs. Withrow's dad, and she said Mr. Wintz told her that she now knows more about Nitro than Rusty Casto. Lauren presented Council a sample of her award winning social studies project.. She showed pictures of Nitro and displayed a trophy she won for first place in the County and informed that she will be competing in the State competition

in May. She received two standing ovations.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: - Mayor Casto announced the April Citizen of the Month is Lauren Dittebrand on behalf of all the hard work she has done. He said they will get her some certificates from McDonalds and a plaque she can add to her display. She is a very talented 9 year old, fourth grade student from Shoals Elementary.

AGENDA ITEM NO. 4 - LITTLE LEAGUE PARADE ROUTE REQUEST: - COUNCILMAN A. A. "JOE" SAVILLA MOVED PERMISSION BE GRANTED FOR LITTLE LEAGUE TO HOLD A PARADE ON APRIL 6, 2002, BEGINNING AT ESSROC AND CONTINUE WITH THE SAME ROUTE TAKEN DURING THE PREVIOUS PARADES (ROUTE 25 TO THE BASEBALL FIELD), SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 4 - BID OPENING: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She informed we received one bid for the pool slide which was from Miracle Recreation Equipment Company. Councilwoman at Large Brenda Tyler opened the sealed bid for $12,495.00. The Mayor inquired if this would be included with the lease purchase, and City Treasurer Ralph Allison said he would like permission to go ahead and pay for it if the funds are available. COUNCILMAN HARRY MILLER,III MOVED WE ACCEPT THE BID FROM MIRACLE FOR THE SLIDE, AND GIVE THE TREASURER PERMISSION TO PAY FOR THE SLIDE IF FUNDS ARE AVAILABLE INSTEAD OF INCLUDING IT WITH THE LEASE PURCHASE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - PASTOR VAN FOSSEN: - Mayor Casto yielded the floor to Pastor Van Fossen from the Nitro Church of God. Pastor Van Fossen furnished a letter to each member of Council from the Board of Trustees, Nitro Church of God, asking them to think about amending the ordinance to exclude churches, schools and other public buildings. Pastor Van Fossen cited similar legislation that had been implemented in Morgantown. The letter pointed out that they had not yet received a written order from the judge regarding the issue at hand. In addition, it also points out the ambient noise level is well over 60 decibels, the requirement for the church is 53 decibels. 60 decibels is what the sounds are out there. If you would go outside and take a decibel reading with no cars, it is nothing and would register 60 decibels. Councilman at Large Rich Savilla said obviously there has been a mistake. Councilman A. A. "Joe" Savilla asked if the church would give them a couple of weeks to work this out, and Pastor Van Fossen said this would not be a problem.

AGENDA ITEM NO. 6 - POOL RATE INCREASE: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She said at the budget meetings they discussed the need to

increase the pool rates and thinks it is reflected in our new budget. The new rates for 2002:

Family Season Pass:	$100.00	(Two adults 18 and older & up to three dependents under 18 years of age, all living in same household)
Individual Season Pass	45.00	
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:	50.00	(Per hour 2 hour minimum)

COUNCILMAN A. A. "JOE" SAVILLA MOVED WE ACCEPT THE NEW POOL RATES, SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman Richard Savilla said under family season pass, he feels that the limit of up to three dependents should be stricken, AND MOVED WE AMEND THIS LIMIT BE REMOVED, SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman at Large Richard Savilla said the larger the family, the tougher it is to pay more money. If there is a question regarding the dependent, they have to provide proof. A VOTE WAS TAKEN TO STRIKE THE FAMILY DEPENDENT SIZE AND IT WAS UNANIMOUS. A VOTE WAS TAKEN ON THE NEW POOL RATES AND WAS CARRIED.

AGENDA ITEM NO. 9 - RESOLUTION 02-05 GRANT FOR STONE COPING FOR POOL: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She read title of resolution authorizing the submission of a Governor's Community Partnership Grant Program Application for the City of Nitro, Kanawha County, West Virginia to remove, discard and replace the stone coping around the pool. She advised she spoke with a representative from the WV Development office and there is a good probability we will get the money. CITY RECORDER JOAN MCCLANAHAN MOVED WE APPROVE THE RESOLUTION, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND IT WAS CARRIED.

RESOLUTION 02-05 ATTACHED.

AGENDA ITEM NO. 10 - APRIL ROBERTSON: - Mayor Casto yielded the floor to April Robertson. She said the only thing she had was to report that the attorney for the NDA is handling all the documents productions, title search and title letters for all the properties. Councilman at Large Tim Sizemore asked if we could suspend title search as he was told by members of the NDA it could possibly take up to 2 to 3 months. City Attorney April Robertson said she could not advise this, and asked if the delay could be due to the attorney's schedule and was advised it was.

City Attorney April Robertson said she would check with the attorney and jump start the process on her end.

AGENDA ITEM NO. 11 - RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 12 - MAYOR'S COMMENTS: - Mayor Casto announced a ramp dinner April 20, 2002 at Nitro Elementary School to raise money for the playground. There were 24 poles set today at the playground site.

Councilman A. A. "Joe" Savilla introduced Dan Owens from Carriageway Subdivision wishing to address Council. Mr. Owens said he would like to bring to Councils' attention a very serious safety matter at the subdivision. He said there were 74 homes and one fire hydrant. He asked if something could be done to alleviate this. Chief Hardman said it cost about $7,000 for a fire hydrant. Councilman at Large Tim Sizemore reported it cost from $7,000 to $9,000 now depending on location. Councilman at Large Richard Savilla said the city had excellent equipment able to deliver tremendous amounts of water and fire-quenching foam easily to any home in the development. Mayor Casto said we would check on the cost of installing hydrants in the subdivision. Councilwoman at Large Brenda Tyler said this is a concern of Councils'.

Councilwoman at Large Brenda Tyler requested we schedule an employees meeting within the next week. She suggested Tuesday, April 9, and Council agreed.

COUNCILMAN A. A. "JOE" SAVILLA MOVED WE GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

INTO EXECUTIVE SESSION AT 8:03 P. M.
OUT OF EXECUTIVE SESSION AT 9:00 P.M.

Mayor Casto said Chief Jack Jordan told him that he was going to ask a gentleman he knows if he would donate some port-a-potties. Councilwoman at Large Brenda Tyler asked if the restrooms over at the park were finished, and Mayor Casto said they are close to being done. She commented that the bike park is getting ready to startup. The regionals are coming in and they are expecting six hundred riders.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE REMOVE THE EXISTING OFFICE MANAGER AND BUILDING INSPECTOR SUPERVISOR AND THE BUILDING DEPARTMENT CAN USE OTHER GUYS FROM THE FIRE DEPARTMENT, AND WITH THE FUNDS SAVED BY THESE TWO APPOINTMENTS, POSSIBLY HIRE A PART-TIME EMPLOYEE FOR THE BUILDING DEPARTMENT, SECONDED BY COUNCILMAN A.

A."JOE" SAVILLA AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN AND COUNCILMAN AT LARGE TIM SIZEMORE OPPOSING AND COUNCILWOMAN AT LARGE BRENDA TYLER ABSTAINING.

Mayor Casto asked Mr. Allison when the next budget meeting would be and it was agreed upon that it would be prior to the next Council Meeting, April 16, 2002.

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

LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR

RESOLUTION 02-05

Resolution authorizing the Submission of a Governor's Community Partnership Grant Program Application for the City of Nitro, Kanawha County, West Virginia

WHEREAS, the City Council of the City of Nitro, West Virginia is aware of the need for the removal and discarding of old stone coping and replace it with new stone coping of the same type for swimming pool; and

WHEREAS, the Council has identified the Governor's Community Partnership Grant Program as a funding source; and

WHEREAS, it is necessary for the City Council to act expeditiously to prepare an application for the Governor's Community Partnership Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Rusty Casto, Mayor of the City of Nitro, is hereby authorized by the City Council to sign all documents pertaining to the preparation of said application and to submit the application to the Governor's Community Partnership Grant Program.

Passed the 2nd day of April, 2002.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

APRIL 16, 2002

Mayor Casto called the 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 Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller and Bobby Smith. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent was Councilman Harry Miller, III.

THE INVOCATION WAS GIVEN BY COUNCILMAN BOBBY SMITH.

THE PLEDGE OF ALLIEGANCE WAS LEAD BY ROBERT YOST. Mayor Casto said Robert was working on his merit badge.

AGENDA ITEM NO. 1 - APPROVAL OF APRIL 2, 2002 COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE RICH SAVILLA MOVED FOR THE APPROVAL OF COUNCIL MEETING MINUTES OF APRIL 2, 2002 WITH THE CORRECTION UNDER AGENDA ITEM NO. 6, FAMILY POOL PASS - TO DELETE THE NUMBER OF DEPENDENTS UNDER 18 YEARS OF AGE, ALL LIVING IN THE SAME HOUSEHOLD, SECONDED BY COUNCILMAN TIM SIZEMORE. A VOTE WAS TAKEN ON THE APPROVAL OF THE AMENDED COUNCIL MEETING MINUTES AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - MAYOR'S INTRODUCTION: - Mayor Casto said there were a couple of candidates for office that were going to try to be present this evening.

AGENDA ITEM NO. 3 - MR. DISNEY: - Mayor Casto welcomed Mr. Frank Disney of Brookhaven and yielded the floor to him. Mr. Disney said he wanted to talk tonight about the trash bags. He said approximately two years ago he was here and the bond failed and we were hurting for money. He said they talked about putting the bond back on the ballot and about raising the fees so that we wouldn't have to cut any city services. Mr. Disney said he told Council that he would talk with the people at Brookhaven, and he spoke with 80% or better and the levy

passed. He said he feels that some people on the Council gave him their word that they wouldn't cut any services, but they have. Mr. Disney said if he gave a man his word, they could bank on it. He said they put signs up in his yard. He had friends and neighbors that ran, but we needed a change. He apologized for getting emotional. Mr. Disney said he had older people that don't have the money to buy trash bags, and if Councils' word is no good, then he has nothing to do with them. He said he hopes everybody gets their heads together and gets this back on. He said this isn't fair for the people of Nitro, and the people that can't afford to buy them. He said Council needs to think hard about this. Mr. Disney said he was going to ask, and will make note, on how each member of Council voted on getting the bags back. Mr. Disney said he was sorry if he stepped on any one's toes, but he just tells it like it is. He talks from his heart. Councilman A. A. "Joe" Savilla said he had a long talk with Mr. Disney the other night and he knows his feelings. Mayor Rusty Casto said they have a finance committee meeting in a couple weeks, and they will bring this matter up. City Recorder Joan McClanahan told Mr. Disney that she agreed with him and he has her support. Councilman A. A. "Joe" Savilla said it is a matter of keeping good policemen and firemen or supply trash bags which is $20,000. Councilman Savilla said this is an employees salary, but if the money comes available we will certainly look at it. When they discussed the budget this year, there was not funds in it for trash bags. Mr. Disney said he saw trash in flimsy bags and the garbage men had to make two or three trips from where they picked them up and put them in a truck. If they are good bags, the man could pick up two bags and the truck keeps moving along. He said he would venture to say that over the whole city we are spending a lot of extra money to get the trash picked up than we would be if it was in larger bags. He said he knew of two houses that had eight or ten small bags and boxes sitting around. A long time ago trash was put in garbage cans and the men would get back injuries. Mr. Disney asked if the city passed an ordinance where garbage had to be put in bags instead of cans. Councilman A. A. "Joe" Savilla said they went to curbside pickup back in the early 80's, and unless something was passed when he wasn't on Council there is nothing about cans. He said he still puts his plastic cans out but he has bags in the cans. Mr. Disney commented that $20,000 is not a lot of money for a city this size.

John Caldwell said that a year ago he was told that we wouldn't be getting bags in January, but we would receive them in July. Then when July came around we still didn't receive them. Mr. Caldwell agreed with Mr. Disney that some people can't afford to buy bags. He feels residents are paying for these bags with the fees they are paying, and should receive them.

AGENDA ITEM NO. 4 - LITTLE LEAGUE REQUEST: -Mayor Casto

yielded the floor to Mr. Ernie Terry. Mr. Terry said he wanted to commend the City Council of the City of Nitro and the volunteers. He said he moved to Nitro from Hurricane in 1977 and said that he has never seen any better people at working and getting stuff done whether it is over to the ballfield, pool or senior center. We are blessed with good people in Nitro. Mr. Terry said this is the first year in a long time that the Nitro Little League Board has had the finances to make some improvements to the fields. He made a sketch of what they are wanting to do. They obtained estimates on putting a double drive-thru gate and also a pedestrian gate as there are times we need that. He said he was at the field probably 340 days out the year. They paint, sew grass and cut fields, and the only others that use the field is a couple of men that hit golf balls and one that walks a dog. There will not be any cost to the city. He said it was his understanding that there would be a fence built around the bike track, and if this could work out for cost-sharing it would be fine. However, they are fully funded and they have the estimates and the first game on the field is in two weeks, and they would like to have permission so they could start putting up the fence. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED PERMISSION BE GRANTED FOR THE LITTLE LEAGUE TO BUILD A FENCE PENDING A. J. HILL AND BRYAN CASTO'S APPROVAL, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 5 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. City Attorney April Robertson said she had a couple of things but they are both subject matter for an executive session.

AGENDA ITEM NO. 6 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer. Treasurer Ralph Allison said he had a letter from the State Auditors Office approving our budget that was submitted, and we need to approve the levy rates. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE APPROVE THE LEVY RATES IN OUR BUDGET FOR THE YEAR 2003, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.
COPY OF LEVY ORDER AND RATE SHEET ATTACHED.

City Treasurer Ralph Allison said he was free for a budget meeting when Council desired.

City Treasurer Ralph Allison said Captain Javins wanted to talk about grants. Captain Javins explained that there are two grants that are available as explained in a memo to Council from Chief Jack Jordan. The UHP (Universal Hiring Program) pays up to $25,000 per year per officer, and they wanted to try and get two officers. This would leave $7,000 extra per officer the City would have to have to pick up for

three years. Then after the three year period, the City must retain that position at the end of the grant cycle.

The other grant is the CIS grant (Cops in Schools). He said they talked with Paul McClanahan, Principal of Nitro High School and he is interested in having a police officer in the school. The officer would spend some time in the elementary school, but most of his time at Nitro High School. This grant pays $125,000 over a three year period, and the City won't have to match any of the funds. COUNCILMAN A. A. "JOE" SAVILLA MOVED PERMISSION BE GRANTED TO APPLY FOR GRANT FUNDS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 - SMITH STREET UPDATE: - Mayor Casto said as Council was aware he signed papers a couple weeks ago on the Smith Street Cleanup. Mayor Casto said FMC brought him a proposed cleanup of that area and they went to DEP and they will come back on April 25, at 10:00 a.m. in his office to hopefully discuss the DEP approved cleanup. When this is completed, they will turn it over to the DNR. He invited Council to attend if possible.

AGENDA ITEM NO. 8 - MAYOR'S COMMENTS: - Mayor Casto reported the playground is coming along real well. It is finished, and now they are building the border and have three sides of the border completed. He said he would know Friday when the school kids could come over for the grand opening.

There is a recreation committee meeting scheduled Thursday morning at 8:30 a.m. at St. Paul's United Methodist Church.

The ramp dinner to raise money for the playground will be Saturday, April 20, from 11:00 a.m. until 2:00 p.m. at Nitro Elementary.

Thursday at noon there will be ramp dinner for some of the kids and there is a possibility someone from the news media will be here for that and find out what the kids think of the WV ramps. All members of Council are welcome to come.

Mayor Casto said something that Recorder McClanahan and Councilwoman Tyler had been talking about the possibility of putting in a water park over at the pool. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE PUT THE WATER PARK OUT FOR BIDS, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE. Mayor Casto reported no City funds will be spent. Councilwoman at Large Brenda Tyler commented that the $30,000 to $40,000

figures are high. She said she was looking at about $20,000. Mayor Casto said the $30,000 to $40,000 recycled the water whereas the $20,000 ones did not. Councilwoman Tyler feels we should meet at the park, and Mayor Casto told her they would meet at her office and then go to the park. A VOTE WAS TAKEN THAT THE RECREATION COMMITTEE GET STARTED ON THE BIDS AND GRANTS FOR THE WATER PARK, AND IT WAS UNANIMOUS.

Councilwoman at Large Brenda Tyler said she was extremely grateful to everybody that has spent time working on the wonderful playground. If you haven't been over there, go look at it. Our kids have got a place to play and a place they are going to be safe.

Councilman David Miller said this is what Councilman Rich Savilla and he wanted during the last administration, but they couldn't do it, but Councilwoman Tyler got it done.

Councilman A. A. "Joe" Savilla said he wanted to apologize for being late this evening, but he was in Kentucky today and it was a long drive back. He said Mr. Disney and John Caldwell went to school a long time ago, and it is sad today that we have to try to get grants to get baseball fields in. He said as he looks around at all the things that are going on in Kanawha Valley and Nitro in particular and all around us, he sees the need for policemen and firemen. He said just keep in mind that garbage bags are little in comparison to the need to keep police officers on the streets and in our schools.

Mayor Casto said Rusty Webb was suppose to be here this evening, and they will go into executive session and if Rusty is not here, then they will adjourn.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO GO INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION AT 8:05 P.M.
OUT OF INTO EXECUTIVE SESSION AT 8:15 P.M.

Mayor Casto reported that the man who owns the dog track down in Florida said he would buy the Alley Cats, build the stadium and put it out at the dog track. He said if Council wanted to make a motion to endorse this, he would put it on Channel 13. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE ENDORSE THE RELOCATING OF THE CHARLESTON ALLEY CATS BASEBALL

TEAM SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER, AND WAS CARRIED.

There being no further business to be discussed, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

Immediately following adjournment, Delegate Rusty Webb informed Council of the latest idea for relocating the Charleston Alley Cats baseball team. Delegate Webb said he has talked with officials from the THF Realty about a 14-acre plot above the Nitro Maketplace that the real estate company would donate for the purpose of becoming a baseball venue. Access to this site is much better than anything Charleston has to offer. Delegate Webb said that through municipal bonds, state lottery money and a possible lease agreement, Nitro could help build the park the same way Charleston proposed. The only problem with the proposal to build on the donated land is that it's not visible from Interstate 64. Members of Council were pleased at the thought of having the ballfield in our city.

CID 12-21
(REV. 2000)

NITRO
ENTITY

Kanawha/Putnam
COUNTY

LEVY ORDER AND RATE SHEET

Prescribed by State Auditor

Assessed Valuation - Proposed Levy Rates and Taxes Levied for All Purposes

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 Property		CLASS I RATE	9.22 ¢	CLASS I RATE	6.25 ¢	CLASS I RATE	¢	CLASS I RATE	¢
Personal Property	631,587	582		395					
Public Utilities	115,648	107		72					
Total Class I	747,235	689		467					
Class II Property		CLASS II RATE	18.44 ¢	CLASS II RATE	12.50 ¢	CLASS II RATE	¢	CLASS II RATE	¢
Real Estate	69,979,380	129,042		87,474					
Personal Property	263,220	485		329					
Total Class II	70,242,600	129,527		87,803					
Class III Property		CLASS III RATE	¢	CLASS III RATE	¢	CLASS III RATE	¢	CLASS III RATE	¢
Real Estate									
Personal Property									
Public Utilities									
Total Class III									
Class IV Property		CLASS IV RATE	36.88 ¢	CLASS IV RATE	25.00 ¢	CLASS IV RATE	¢	CLASS IV RATE	¢
Real Estate	64,374,550	237,413		160,936					
Personal Property	47,840,521	176,436		119,601					
Public Utilities	10,070,144	37,139		25,175					
Total Class IV	122,285,215	450,988		305,713					
Total Assessed Value	193,275,050								
Total Projected Property Tax Revenue.....		581,204		393,983					
Less Uncollectables,	Enter % here:								
Exonerations & Delinquencies	5 %	29,060		19,699					
Less Tax Discounts	2 %	11,624		7,880					
Total Projected Property Tax Collection		540,520							
Less Assessor's Valuation Fund	2 %	10,810							
NET AMOUNT TO BE RAISED BY LEVY.....		529,709		366,404					

*Total amount to be raised from Municipal Bond Commission

*112 Uncollectable Taxes.....$	29,255
*113 Exonerations.....$	4,876
*239 Delinquencies.....$	14,628
Total ....$	48,759

The above is a true copy from the records of orders and entered by this entity on the 16 day of April, 2002

Signature: Joan McClanahan

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

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, 1900 Kanawha Blvd. E., Building 1, Charleston, WV 25305.

P. 1
4-17-202 11:45AM FROM ALLISON AND ALLISON 304 776 6118
210

CITY OF NITRO

COUNCIL MEETING MINUTES

MAY 7, 2002

Mayor Casto called the meeting to order at 7:30 p.m. in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy 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.

THE INVOCATION WAS GIVEN BY THE DIRECTOR OF PUBLIC WORKS ALEX HILL, JR.

COUNCILWOMAN AT LARGE BRENDA TYLER LEAD THE PLEDGE OF ALLIEGANCE.

AGENDA ITEM NO. 1 - APPROVAL OF 04-16-02 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE APRIL 16, 2002 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED WITH COUNCILMAN HARRY MILLER, III ABSTAINING.

AGENDA ITEM NO. 2 - MAYOR'S INTRODUCTIONS: - Mayor Casto said there were a couple of candidates that were going to stop by, but they haven't made it.

Mayor Casto said that Mr. Barry Kemerer from Precision Pump had asked to address Council and yielded the floor to him. Mr. Kemerer explained that the reason he was here tonight was that he read in the newspaper several weeks ago about the efforts this City undertook to design and fund a park for handicapped children. He stated that he thought it was a very remarkable challenge for Mayor Casto as well as Councilwoman at Large Brenda Tyler in this effort to present the handicapped kids an opportunity to play and enjoy themselves. Mr. Kemerer said his company in Cross Lanes has been very blessed and has been able, from time to time, to look for special projects that they want to be a part of and to help fund. He presented the Mayor and City Council a check for $1,000 to be used for this fund. He said he hopes in some small way that it will help the City to keep this park going. Mr. Kemerer received a big round of applause. Council expressed their appreciation of his goodwill and good faith. Mayor Casto invited Mr. Kemerer to come to the official dedication at the park Friday, at 1:00 p.m

Mayor Casto announced that Councilman at Large Tim Sizemore and Councilwoman at Large Brenda Tyler are candidates for State Executive Committee.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH:- Mayor Casto yielded the floor to Councilman A. A. "Joe" Savilla to introduce the May Citizen of the Month Father Dean Borgmyer, the Priest of the Holy Trinity Church of Nitro, a citizen of Nitro for eight years, very active in the Nitro Ministerial Association, worked with all the programs they have had, helped us to acquire our new building we have waited for almost thirty years on. We are not only losing a priest, but a good personal friend as he is being transferred to Morgantown. A big round of applause was given Father Borgmyer. Father Borgmyer is Councilman Joe Savilla and Councilman at Large Richard Savilla's priest, and they will sadly miss him. Councilwoman at Large Brenda Tyler stated the Nitro Ministerial Association will greatly miss him and all his help. Members of Council told him that he would be missed.

AGENDA ITEM NO. 4 - BID OPENING:- Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan advised we received two bids for paving the street in front of the park, one from Skilton and one from WV Paving. The bid from WV Paving, Inc. was opened by Councilwoman at Large Brenda Tyler for $9,672.00, and $10,966.00 from Skilton Contracting opened by Councilman at Large Tim Sizemore. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE CONTRACT BE AWARDED TO WV PAVING FOR $9,672.00, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - SHAWN ALDERMAN: - Mayor yielded the floor to Councilman David Miller. Councilman David Miller introduced Shawn Alderman who asked Firefighters Cory Dean and Casey Mathes to please come up front. Firefighter Alderman explained that Firefighters Dean and Mathes had been employed with the City for about seven months. They went through a job skills related test at the first part of April and both of them passed without any problem at all. They spent over 200 man hours training and getting ready for the job skills test. The job skills test incorporated basic level skills that a firefighter does in the course of duty. They have both worked real hard, and this is the first time since they have hired new people that they have completed the job skills test. Firefighter Alderman presented a plaque to Casey Mathes and Cory Dean for completion of the job skills test. Firefighter Alderman commented that they are making an awesome contribution to the fire department. They received a big round of applause, and were congratulated by members of Council.

Firefighter Shawn Alderman advised that another firefighter that had been a tremendous help to him was Firefighter Mark Jarrett. Firefighter Alderman said Mark came out on a rainy day and it takes around two hours to set this test up and Mark stuck with him all day assisting him. We owe him a lot of thanks. Firefighter Mark Jarrett received a big round of applause. Chief

Hardman said he was as proud as can be of the group.

City Recorder Joan McClanahan said we should also commend Firefighter Alderman on the fine job he is doing as training officer. He too received a big round of applause.

Councilman David Miller said he would like to commend the fire department on their work and training arrangements with St. Albans. It has brought a lot of good publicity to the two cities. On the INTERNET Firehouse.com it was the leading article.

Councilwoman at Large Brenda Tyler thanked Casey Mathes on his hard work at the playground.

AGENDA ITEM NO. 6 - LITTLE LEAGUE CONCERNS: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She advised that each member had a copy of a letter from the Nitro Lions Little League Board. They are asking Council to address some concerns they have specifically dogs, golf balls and bikes over in the City Park area. CITY RECORDER JOAN MCCLANAHAN MOVED WE SCHEDULE A RECREATION COMMITTEE MEETING AND BRING IT BACK AT THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 7 - FMC UPDATE: - Mayor Casto along with City Recorder Joan McClanahan, Councilman Bobby Smith and Councilman at Large Tim Sizemore met on April 25, and discussed the cleanup of the Smith Street Landfill. He said he had three things he wanted to see happen and that was the health concerns of the people living there about what has been dumped in there in the past. Secondly, that the people living next to there will be able to sell their property and thirdly, it be ready for the DNR to build a boat launch next year. There will be an informational meeting May 21, for residents and Council starting at 7:00 p.m. and lasting 30 to 40 minutes. Mayor Casto said basically what he read in one preliminary document that FMC dumped some 4700 tons of stuff in the landfill in the 1950's and 60's, in addition to the Nitro garbage.

AGENDA ITEM NO. 8 - AUCTION: - Mayor Casto said he had been talking with Councilwoman Tyler about having an auction of a bunch of stuff around town, with the money to be donated to the playground fund. Mayor Casto said a man told him that he would give him his car to auction off, and Walt Taylor said he would give the city a scraper worth around three to four thousand dollars, a few things at the garage and the old house in front of the pool. Mayor Casto asked the City Attorney if she would prepare an ordinance, and they would check with both Chiefs and see if they have anything, and get ready to advertise it for July, 2002.

AGENDA ITEM NO. 9 - PLAYGROUND & SKATEBOARD PARK UPDATE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She advised that the pool

manager, Mark Jarrett, said he needed a fence around the baby pool. He got some prices and Councilman Harry Miller, III said it was between $2,000 and $3,000 dollars. He is wanting to put in a vinyl fence for safety reasons. Last year there were several people that got their feet under the metal fence and were injured.

Councilman at Large Richard Savilla asked if they were still working on a new baby pool, and Councilwoman Tyler said this is separate and she will speak on this later but it will not be available this season.

The playground is scheduled for the grand opening Friday, at 1:00 p.m. She said she would like as many as could make it to please come. She said the elementary children will be present for the ceremony. She said she might need some assistance from the police department. They will recognize the people who have been so generous with this project and the people buying bricks. They will unveil the drawing of the wall for recognition that will be installed at the playground.

Councilman A. A. "Joe" Savilla said he would be at the playground for the grand opening ceremony Friday. Councilman at Large Rich Savilla said he would be there as did Councilman Bobby Smith.. Councilman Tim Sizemore said he would try to be at the ceremony.

Councilwoman at Large Brenda Tyler notified Council that Balzout withdrew all their contributions and will not help us with the skateboard park. She said she would like for us to consider going after grant money and building the skateboard park on our own. Councilman Harry Miller, III said they were having a Recreation Committee and this would be a good time to discuss this. She said she didn't want the skateboard park to be let go.

When they started to put the playground in, they had talked about moving the basketball courts over by the pool, but when they started digging that out and looking they decided that this was a dangerous situation to put the basketball courts by the pool because it was so crowded and so close. She said she talked with Mark Jarrett and they are going to go ahead and put the basketball court back to where it was. Alex Hill measured the area in the park where the old playground is and he is going to take the good equipment out of there and take it up to the lake.

Councilman at Large Brenda Tyler said she had some pictures of a water park at the beach and see if this goes along with the idea that any of Council may have. Even if we get this water park, we will still need a baby pool. If this is agreeable, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE PUT THE WATER PARK OUT FOR BID, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 10 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. April Robertson said she had been informed by the attorney for NDA that the draft

for the property transfer will be faxed to her tomorrow for review. She said in speaking with Ken Kniceley that he intends to sign the property transfer.

City Attorney April Robertson said there is one litigation matter that needs to be brought up in Executive Session.

AGENDA ITEM NO. 11 - RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison explained to council that in next year's budget we have a different vehicle for the humane officer. He said the vehicle he is driving is falling apart and he doesn't think it will wait that long. The mechanic says it will take at least $2,000 to fix it and he didn't feel we should put this much in it. It is making so much noise now that the Humane Officer has to wear ear plugs. Mr. Allison said the police department has been checking on some vehicles and he looked at the state contract today. A new vehicle would run around $12,000 to $13,000 but it takes a while to get them. In his opinion we need the vehicle now so if Council would so desire we could call it an emergency purchase because he needs one bad, or maybe give him permission to spend up to $10,000 to $12,000 to buy one. Councilman Joe Savilla asked if it had to be a new one, and Mr. Allison said they are looking at used ones too. COUNCILMAN HARRY MILLER, III MOVED PERMISSION BE GIVEN TO THE TREASURER FOR THE EMERGENCY PURCHASE OF A TRUCK FOR THE HUMANE OFFICER FOR UP TO $15,000, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Councilman at Large Richard Savilla said they had a new Ranger for $9,000.

AGENDA ITEM NO. 12 - MAYOR'S COMMENTS: - Councilman David Miller said he would like for the Mayor to talk to the Corp of Engineers about dredging Blakes Creek and the backwater. He said he feels this would relieve some of 40th Street problems.

Mayor Casto asked Councilman A. A. "Joe" Savilla to read the letter from the City of New York Fire Department. Mayor Casto informed that Chief Jordan got a letter from the Police Department of New York. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE LETTERS BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.
LETTERS ATTACHED.

Councilman at Large Tim Sizemore said there were two things he wanted to bring up. He said we have talked about having a budget meeting and we have talked about having a Recreation Committee Meeting, but no dates or times have been set on either one. A budget meeting was scheduled Thursday, May 16, at 7:00 p.m. The Budget meeting was scheduled immediately following the recreation committee meeting. Councilman at Large Tim Sizemore asked if we all had a copy of the auditor's exit, and Mayor Casto said he could make everyone a copy.

Councilman at Large Tim Sizemore said 10th Street looked like a mudhole, and he doesn't feel as if Mark Sanders is in compliance with City regulations. He feels it is a technicality. He said if he had the building permit, he would probably tear it up. It is tearing up the street, and the manhole cover keeps coming off of it. There is too much water. Councilman Sizemore said his point is this, if we don't do something about this, and asked Council to pay very close attention to what he was telling them, they would be going into executive sessions because there would be legal matters involved. He said he was warning them and stating it factual because we will be doing a lot of it and we would be tied up in a some legalities. He said he wasn't an engineer, but it has been brought up to him that we should bring a city engineer to look at it. He said he didn't know, but this is one time we should pull our horns in and figure what we are going to do here. This cannot go on. Councilman David Miller said he didn't know that Councilman Sizemore was right on the violation of City Code other than him being responsible for the cleanup. He said the way he understood building code is when construction takes place. When dirt is being moved, he thinks the only governing body is the DEP. Councilman Sizemore said he disagreed because it is our job, as elected officials, to take care of the streets and protecting city property. The storm drainage system cannot handle this amount of water. In the newspaper, it showed where these places are getting a lot of excess water because it is estimated that when they remove the trees and top soil off the ground, they are increasing water shed size of the area by four times. He said what he is saying that when you remove the vegetation from it, there is no way to leak some water into the ground. Councilman David Miller said you are not increasing the water shed, but decreasing the amount of absorption of the soil. Councilman Harry Miller, III said that since there are no apparent violations of City Code, we really can't take action that way, but it seems to him that this operation may be causing nuisance to that area. If he damaged the drains, that may be a way to approach it, but this is something that our attorney would have to look at. Councilman at Large Tim Sizemore said they have cleared close to three acres. Councilman David Miller said DNR and DEP have been up there more than once. Councilman Harry Miller said he didn't think under the rules and regulations, law and ordinances we could do anything in an enforcement way, but if he is causing a nuisance, that might be a way to approach it. It is nothing that we can make a determination of tonight. Councilman David Miller said if he causes damage to a residence, then the resident needs to sue him for the damages. He said if we need to sue him to repave 10th Street, then so be it, or we pave it and bill him for it. If the fire trucks are up there to wash the road down, he should be billed. If we have to take the street sweeper up there and use manpower, he should be billed. Councilman at Large Sizemore said when it comes time for us to go to court and protect ourselves, we had better get some letters from the DEP or DNR and putting them in a file. Alex Hill, Director of Public Works will make an effort to document this and can attest to it.

City Recorder Joan McClanahan said she received two phone calls from Walker Street and River Drive which are both in bad need of repair. Councilman Harry Miller, III said these were both in his ward and he believes these two streets are at the top of the list that he gave A.J. Hill.

Councilman A. A. "Joe" Savilla said he had a call in his ward about sidewalks needing to be replaced, and he will get with A. J. Hill on this.

Mayor Casto said the Sanitary Board is working on Elm Street that fell in yesterday afternoon.

Mr. Dan Owens said the last time he was here they were discussing the fire hydrant situation in Carriage Way Subdivision, and he contacted the gentleman who resealed their streets and they have over 4,000 feet in that subdivision and he said that hose could not reach to the front of the subdivision nor the back part of it. He said he wanted to bring this to everyone's attention. Also, the cost of putting in a fire hydrant was discussed which was between $7,000 and $8,000 a piece. He said he discussed this with a pipeline contractor that said they could do it for $4,000 even if they had to break up the street. Mr. Owens said he thinks we need at least two fire hydrants, one on Carriage Way and one back over in the back subdivision. If they had to string the hose for 2,000 feet it would take a lot of time. Councilman David Miller said they have laid hose from the fire hydrant at Cleveland Avenue all the way across First Avenue, all the way up to where Red Oak Drive divides. They laid over 3,000 feet of hose in less than 10 minutes. Mr. Owens was told that this would be brought up in the next budget meeting. Mr. Owens said he would also like to get a street light at the top of the hill of Carriage Way where kids are congregating. Council said they didn't see any problem with getting another street light. Mr. Owens said he realized there are budget problems and if necessary, they would make a donation.

Councilwoman Brenda Tyler said they have a request from the Car Club for $300.00 toward expenses on the Antique Car Show to buy trophies. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE SUPPORT THIS REQUEST, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE GO INTO EXECUTIVE SESSION AS PER REQUEST OF OUR CITY ATTORNEY, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION 8:30 P.M.
OUT OF EXECUTIVE SESSION 8:45 P.M.

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

Rusty Casto
RUSTY CASTO, MAYOR

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

The City of New York

FIRE DEPARTMENT
9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

SUSAN L. MAGAZINE
Assistant Commissioner
for Family Assistance Room 8S-2

May 2, 2002

Rusty Casto
Mayor
Nitro
West Virginia, VA 25143

Dear Mayor Casto,

On behalf of the families of the members of this Department who lost their lives on September 11th, I want to thank you for your extraordinarily generous gift. Since September 11th, we have been deeply moved by the tremendous outpouring of support from across the country and around world. That support has come in every form— cards, art, funds, and prayers— and it has touched our hearts.

Thank you also for your kind words of support for the families of our fallen members, and for the men and women of this Department who continue to work tirelessly protecting others. The spirit of unity that you mentioned in your letter has been of tremendous comfort to us all throughout these past several months.

Sincerely,

Susan L. Magazine

OFFICE OF THE DEPUTY COMMISSIONER
FOR COMMUNITY AFFAIRS
1 Police Plaza — Room 200 ● New York, N.Y. 10038-1497
(646) 610-5323

RAYMOND W. KELLY
Police Commissioner

FREDRICK J. PATRICK
Deputy Commissioner

April 30, 2002

Jack A. Jordan
Chief of Police
Nitro Police Department
20th Street and Second Avenue
Nitro, West Virginia 25143

Dear Mr. Jordan:

On the morning of September 11, 2001 New York City and our nation experienced an unthinkable terrorist attack that resulted in a terrible loss of human life. In a matter of minutes our lives and our world was changed.

On that day while thousands of people were fleeing for their lives, New York City Police Officers and other emergency service workers put others before themselves and heroically undertook the greatest rescue mission in our history. Unfortunately, twenty-three of New York's Finest made the ultimate sacrifice entering into harm's way to save others. Their dedication, bravery and heroism will never be forgotten. Their legacy is an inspiration to all, making New York and America strong, determined and resilient.

On behalf of Police Commissioner Raymond W. Kelly and all the members of the New York City Police Department, thank you, Nitro Police Department, your sister city's Police and Fire Departments, businesses, schools, community organizations and residents for the generous contribution to the Twin Towers Fund. Your efforts have helped lift our burden during a most painful and difficult time. Please continue to keep the men and women of the New York City Police Department, as well as other emergency service workers and all affected by this great tragedy in your thoughts and prayers.

Sincerely,

Fred G Patrick

Fredrick J. Patrick
Deputy Commissioner

FJP:EAA:kc

CITY OF NITRO

COUNCIL MEETING MINUTES

MAY 21, 2002

Mayor Casto called the 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 Tim Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present was City Attorney April Robertson. Absent were Councilman at Large Richard Savilla and City Treasurer Ralph Allison.

Mayor Casto informed that either Councilman David or Harry Miller, III was going to make a motion to donate our used FMC fire truck to a community of southern West Virginia. Councilman David Miller said the truck was donated to us and feels it is only right to donate it to someone in need.

Mayor Casto said around eight o'clock we are having a guest. It is someone who has been running around with the Governor.

THE INVOCATION WAS GIVEN BY DEAN MILLER.
OLAF WALKER LEAD THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 - APPROVAL OF 05-07-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES OF MAY 7, 2002 BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN BOBBY SMITH. Mayor Casto said he had one change to the minutes. Mayor Casto said Councilman at Large Richard Savilla called and said he abstained instead of approving the humane officer's new truck. A VOTE WAS TAKEN ON THE AMENDED MINUTES AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 2 - MAYOR'S INTRODUCTION: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler who advised that a few weeks ago, the Governor sponsored an essay writing contest among the youth of WV and they were to write on the economic benefits on hunting in the State of West Virginia. She proudly introduced one of the governor's winners, her grandson, Jordan Tyler. Jordan received a big round of applause. Jordan read his essay and reported on his trip which was truly a once in a lifetime event. He said he learned a great deal about wildlife management and the many jobs of the Department of Natural Resources. Jordan is to be commended on his essay and the report of his trip. Jordan received another round of applause. Councilwoman at Large Brenda Tyler said she is sure this was a great learning experience that Jordan won't forget. The Mayor as well as Council congratulated him.

Mayor Casto informed that prior to Council Meeting we had an informational update meeting from FMC and DEP. He said he thinks we have had 50 starts on this for about the last 30 to 40 years. About a year and a half ago, Dean Miller told EPA just what it was like and got the ball rolling again and the Mayor wanted to thank him.

Mayor Casto said he had hats for Council at the playground dedication ceremony, but the kids from Mr. Kaufmann's class got in them, and he had to get more and had them this evening.

Councilwoman at Large Brenda Tyler read an e-mail that the Mayor received stating; "The new Nitro playground is very nice now that I have had a chance to see it mostly completed. I believe the playground will be a great asset to the City and many children will have the opportunity to use it. It couldn't be in a better location since anyone that goes to the pool will also be conveniently able to use it. I know it will be well used because it is so big and so many slides to spend hours playing on it. The playground also adds a certain appeal to the City instead of that empty lot. Thank you and the City for deciding to fund such a nice project. Thanks, Robert Yost." Councilmembers are all receiving good comments about the playground. Councilman Joe Savilla said he got a lot of good comments from people coming to his office about the BMX track and the new playground.

AGENDA ITEM NO. 3 - KEN KNICELEY: - Mayor Casto yielded the floor to Ken Kniceley, former councilman of Ward II. Mr.Kniceley explained that he was here tonight on behalf of the development authority. He said he didn't feel it was necessary to go into the details of what has happened. He stated that at the request of Council, he had two deeds that changes the property back to the Nitro Development Authority, a statutory corporation. The City Attorney April Robertson reviewed the deeds and she was satisfied with them, and would get them recorded. Mr. Kniceley said he would leave it in Councils' hands as to where they would go from here. Councilman A. A. "Joe" Savilla said he wanted to thank Mr. Kniceley for all his efforts on behalf of the Nitro Development Authority. He said he appreciates all his help and if a misunderstanding has occurred because of this, he is certainly sorry. Mr. Kniceley said that anything they were doing was as a Board as a whole and by the advise of an attorney. It was something that Ken Kniceley did not do. They thought they were doing what was right. Councilwoman at Large Brenda Tyler said she wanted it to go on record that the deeds have been signed and returned to the City of Nitro to the Nitro Development Authority. She told Mr. Kniceley that none of Council felt that he or any of the other officers had willingly or knowingly done anything wrong. They felt he was trying to make an improvement and that he was trying to get a 501 3-C tax paper, and that is how it all started. Everything started out with good intentions and she wanted the records to indicate this, and no one feels he was deliberately or knowingly doing anything wrong. This was just something that happened in the process of getting those tax papers. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED HER STATEMENT BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS

CARRIED. Councilman Harry Miller, III said he wanted to thank Mr. Kniceley and the other members of the Board for straightening out the problems that they ran into over the last few months. Councilman David Miller said he wanted to echo sentiments. He said he talked with Mr. Kniceley several times on this and feels both he and Olaf Walker have been honorable. A VOTE WAS TAKEN AND IT WAS UNANIMOUS. LET THE RECORD SHOW THAT MAYOR CASTO VOTED IN THE AFFIRMATIVE.

Mr. Kniceley said he would like to invite the Mayor, City Council and City employees to a mortgage burning and open house in the Nitro Community building on June 2, at 2:00 p.m.

Mr. Kniceley mentioned they are sprucing up the Community Center. The walls have been painted. He informed that some people called and said they had some money and asked what they could do for the Nitro Development Authority. They started putting in a new ceiling this morning. The entire lower level ceiling will be completed by the end of the week. Mr. Kniceley received a round of applause. Councilman Joe Savilla said he thinks we should keep Ken as our President, and pray for his continued recovery .

AGENDA ITEM NO. 4 - BID OPENING - WATER PARK: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan said we received one bid on the water park, and it was from Taylor Sports and Recreation. Mayor Casto said he called the Greater Kanawha Valley Foundation asking how he would go about getting some money for the water park, and was told to put it out for bid and bring it to them. Also, a couple of other people told him to bring the bid up to them. Councilwoman at Large Brenda Tyler opened the bid from Rain Drop Products in the amount of $33,329.00. COUNCILMAN HARRY MILLER, III MOVED THE MAYOR BE GRANTED PERMISSION TO GO OUT AND SEEK THE FUNDS FOR OUR WATER PARK, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - PIZZA BID: - Mayor Casto yielded the floor to Councilman at Large Timothy Sizemore. Councilman Sizemore said a gentleman approached him from Papa John's and asked how one pizza company always provided pizza for the City pool. He asked if this was put out for bid, and it was put out for bid last year. Before Gino's ran the concession, but this year as well as last year the City is operating the concession stand. Councilman Sizemore asked Mark Jarrett the amount taken in from the sale of pizzas and Mr. Jarrett advised around $1,500.00. Councilman at Large Tim Sizemore said he wasn't trying to throw a horseshoe in the ring. He said we have got to do this right. If this has to be done, let's do it, if it doesn't, then let's not do it. Councilman Joe Savilla asked if the auditor flagged us on this. The auditor went over this with a fine tooth comb, and if there was a problem he would have flagged us on it. Councilman at Large Tim Sizemore said he just wanted to make sure we haven't fouled up. Mayor Casto asked the City Attorney to check on this, and she answered that she thought it was $5,000.00.

Councilman at Large Sizemore said that now we have gone through it, it is public record.

AGENDA ITEM NO. 6 - APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She reported at the last Council Meeting they talked about the water and mud problem on 10th and 11th Street. The City's nuisiance ordinance encompass that situation, and there are penalties and a notice process. The property owner must abate the problem. They can't let water and mud roll off in the streets. Councilman Harry Miller, III asked how we would proceed, and she advised it is turned over to an enforcement officer such as police chief, fire chief or building inspector. Councilman Harry Miller, III said he feels we should refer this matter to the building inspector.

City Attorney April Robertson said she was also asked to look into the procedure for establishing 501-C3 status for a Recreation Committee or any other group that the city would like to establish. 501-C3 is an organization that is operated for charitable, education, religious or other similar type purposes. Ultimately that status is granted by the IRS upon request. It is not uncommon for municipalities to establish entities to get contributions. A lot of contributors look for this as assurance that the tax deduction they seek is proper. It would be advisable if the City should want to go this route, is to have a separate corporation entity established. COUNCILMAN HARRY MILLER MOVED WE REFER A 501-C3 STATUS TO THE RECREATION COMMITTEE AS A WHOLE SO THAT THEY CAN DISCUSS ALL RAMIFICATIONS OF SETTING UP A 501-C3 ENTITLED ORGANIZATIONS TO RECEIVE AND DISBURSE CONTRIBUTIONS FOR VARIOUS MUNICIPAL PROJECTS, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto said he would check with Mr. Allison and advise Council of his recommendation.

City Attorney April Robertson said the Mayor called her asking about regulations concerning animals, golf balls and bicycles in the City Park. She advised that the City has ordinances in the code book relating to animals. She said dogs and cats are not allowed in the park unless they are on a leash. There is nothing in City Code regarding golf balls and riding bicycles in the park. COUNCILMAN HARRY MILLER, III SUGGESTED WE REFER THE MATTER TO THE RECREATION COMMITTEE DIRECTING THEM TO DRAFT RULES FOR THE PARK AND PRESENT THEM TO COUNCIL SO THAT WE CAN ADOPT THEM BY RESOLUTION. MAYOR CASTO SAID WE COULD ALSO TAKE CARE OF THE PLAYGROUND TOO WHILE WE ARE AT IT. COUNCILMAN HARRY MILLER, II MENTIONED ALSO THE RIDENOUR LAKE AREA IN GENERAL, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 - RALPH ALLISON: - Mayor Casto advised that our Treasurer Ralph Allison is sick this evening, but he was going to study the information on 501-C3.

AGENDA ITEM NO. 8 - MAYOR'S COMMENTS: - COUNCILMAN DAVID MILLER MOVED THE MAYOR PROCEED IN GIVING THE FMC FIRE TRUCK TO ONE OF THE TOWNS THAT LOST FIRE EQUIPMENT DURING THE FLOODING, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. City Attorney April Robertson said she didn't see any problem with this, but it was an asset. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

Councilman Bobby Smith asked if we didn't go to the people before and tell them they had to do something so that the water and mud wouldn't be coming down on 10th and 11th Streets. Councilman Harry Miller, III said they complied with the instructions that the DEP gave them. This would put them in compliance with the state, and that is why we brought up the possibility of recognizing it as a nuisance. Councilman Harry Miller, III said they did put in some rock and some hay bales.

Councilman A. A. "Joe" Savilla said he was sorry he missed the budget meeting, but he was watching the arrival of his eighth grandchild. Congratulations to Councilman Joe Savilla and Joan.

Councilman at Large Timothy Sizemore reported he had a new daughter. She was born Wednesday just before 1:00 p.m. and he was at the hospital Thursday evening. Congratulations to Councilman Sizemore and his wife, Angela.

Councilwoman at Large Brenda Tyler said St. Paul's Methodist Church is gathering prom gowns to take to McDowell County. They have gathered 100 already, but if anyone had any to donate, please bring them to the church before 9:00 a.m. Wednesday and they will put them on the truck.

COUNCILMAN DAVID MILLER MOVED WE BUY ROPE LANES FOR THE POOL AT THE COST OF APPROXIMATELY $1,200.00 PENDING THE TREASURER'S APPROVAL, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

THERE BEING NO FURTHER BUSINESS, COUNCILMAN DAVID MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

JUNE 4, 2002

Mayor Rusty Casto 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, Timothy 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.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLIEGANCE.

AGENDA ITEM NO. _1 – APPROVAL OF 05-21-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF THE 05-21-02 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. A VOTE WAS TAKEN AND WAS CARRIED WITH COUNCILMAN RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTION: - Mayor Casto informed that his June Citizen of the Month wasn't here. He said it was his pleasure to present a key to the City to Jennifer Summerfield, a Nitro High School junior. He advised that as far as he knew, she is first to score a perfect 1600 on the SAT. She received a big round of applause.

Mayor Casto yielded the floor to Tex Priddy. Mr. Priddy, President of Rolling Thunder, expressed his desire to have a MIA/POW flag raising ceremony in front of City Hall during our Homecoming Celebration. This would be in remembrance of those still missing in action. He advised Nitro still has a MIA, James L. Taylor. COUNCILMAN HARRY MILLER, III MOVED PERMISSION BE GRANTED FOR A FLAG RAISING CEMEMONY, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 3 – UPDATE ON BASKETBALL COURT: -PAVILION: Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler said they had agreed to resurface the court we have which would cost around $4,500 for court only and $6,500 for court plus equipment. Councilman at Large Rich Savilla said he received some news on some lights, and Mr. A. J. Hill informed that we have five lights from Tri-State Greyhound. Councilman at Large Rich

Savilla said he had eight lights that are used to light up a car lot. He said his company put in new ones and he got the owner to donate eight of them. We can use them at the pool or bike track, but we would have to get some poles. Councilwoman at Large Brenda Tyler said during a budget meeting we had $10,000 for the paving at the children's park and the Moose paid for that, and Mr. Allison said we still have that. Councilwoman at Large Brenda Tyler said she would like to have this and also to take what is left. Mr. A. J. Hill, Director of Public Works, wants to approach Sycamore Landfill about building us a pavilion. They have built two for St. Albans. Mr. Hill said they thought about building a 20x60 pavilion and have two handicap accessible small bathrooms on the end of it. Chief Jordan has been working on prices for the roof and A. J. has some prices on concrete. Mr. Hill said he feels we can do it all for approximately five to six hundred dollars. COUNCILMAN HARRY MILLER, III MOVED WE TAKE THE $10,000 AND STRETCH IT AS FAR AS WE CAN WITH THE BASKET BALL COURT AND PAVILION, SECONDED BY COUNCILMAN A. A. "Joe" SAVILLA AND WAS CARRIED.

Mayor Casto informed that he and Chief Jordan were close to getting a grant on the water park playground. Councilwoman at Large Brenda Tyler said she would like to hold off spending any more money at the park until we get what we have taken care of. If we get grant money toward the water park, then we can start on that. Council agreed. Councilman at Large Richard Savilla said what he feels Councilwoman Tyler is alluding to is that if we start too many projects, we will lose focus on what we are already working on.

AGENDA ITEM NO. 5 – ANNEXATION: - Mayor Casto yielded the floor to Councilman at Large Tim Sizemore. Councilman Sizemore said he would like for all of Council to get together some time during this month. He said he needed to get a map of an area out on Bailes Drive. There are a lot of things we need to take in to consideration on it. It is in Putnam County and a pretty sizeable area. Councilman at Large Tim Sizemore suggested we have a meeting at 7:00 p.m. June 13, in Council Chambers.

AGENDA ITEM NO. 6 – APRIL ROBERTSON: - Mayor Casto yielded the floor to April Robertson. The City Attorney April Robertson said she was working on the ordinance for the auction. He asked A. J. and the Chief to come up with a Saturday in July for the auction and we will notify the City Attorney. The money we will get from this auction will go toward the playground.

AGENDA ITEM NO. 7 – RALPH ALLISON : - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. He handed out a list of proposed 2001/02 budget adjustments for June 30, 2002 that needs to be mailed to the State Tax Department. These figures represent the money we have spent that we didn't have budgeted. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE BUDGET ADJUSTMENTS BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mr. Allison said we received a notice from the WV Board of Risks that we are getting just over $16,000 increase in our yearly liability/property insurance. This amounts to 18%. Our insurance agent is going to take a look at it to see if he could cut it down any.

AGENDA ITEM NO. 8: - MAYOR'S COMMENTS: - Councilman at Large Richard Savilla asked about the pool hours. He said he received some telephone calls about the pool staying open later. The adults don't get off until late and they don't have time to swim. He suggested we stay open possibly two nights a week. The Mayor will speak with the Pool Manager Mark Jarrett regarding adult swim night.

Councilman at Large Timothy Sizemore said he was over at the pool today and it really looks clean and nice.

Councilman Harry Miller, III said we can probably get through this year with the plumbing, but by next season we will need some maintenance.

Councilman at Large Timothy Sizemore said the police are out doing a good job.

Councilman A. A. "Joe" Savilla said as Council is aware, Father Dean was named May Citizen of the Month and they were having a picnic Sunday, May 9, at 12:30 p.m. on the church ground. He invited everyone to please come and join them.

Councilwoman at Large Brenda Tyler said they had talked about putting a sign by the road advertising everything that is over in the park. She yielded the floor to A. J. Hill. Mr. Hill said they could get a 4x8 sign and list the pool, BMX Track, etc. for $440.00. This would be printed on both sides.

Chief Jordan advised the FOP Lodge #74 would like to donate a check for $1,000 for the bricks at the playground.

COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE GO INTO EXECUTIVE SESSION TO DISCUSS EMPLOYEE STATUS, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

ENTERED INTO EXECUTIVE SESSION 8:10 P.M.
OUT OF EXECUTIVE SESSION 8:17 P.M.

COUNCILMAN HARRY MILLER, III MOVED WE HAVE A SPECIAL COUNCIL MEETING THURSDAY, JUNE 13, 2002 AT 7:00 P.M. TO DISCUSS PERSONNEL SITUATION AT THE FIRE DEPARTMENT AND THE ANNEXATION COMMITTEE MEETING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mayor Casto read a thank you letter from George A. Grasso, First Deputy Commissioner from the Police Department of The City of New York. COUNCILMAN

A. A. "JOE" SAVILLA MOVED THE LETTER BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

LETTER ATTACHED.

There being no further business to be conducted, COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

A. A. "JOE" SAVILLA MOVED THE LETTER BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

LETTER ATTACHED.

There being no further business to be conducted, COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO			
PROPOSED BUDGET ADJUSTMENTS FOR JUNE 30, 2002			
	INCREASE	DECREASE
BUILDING DEPARTMENT		
CONTRACT SERVICES	3,000	
CITY HALL		
PROFESSIONAL SERVICES	19,000	
GROUP INSURANCE		25,000
POLICE DEPARTMENT		
WAGES	40,000	
FICA TAX	3,060	
RETIREMENT	2,800	
DEPARTMENT SUPPLIES	15,000	
UNIFORMS	8,000	
AUTO SUPPLIES	10,000	
MAINTENANCE & REPAIRS	5,000	
CAPITAL OUTLAY-AIR CONDITION & GENERATOR	7,000	
PUBLIC WORKS		
AUTO SUPPLIES	10,000	
BUILDING REPAIRS	2,000	
CAPITAL OUTLAY-PICKUP TRUCK	25,000	
RECREATION		
CONTRACT SERVICES	3,000	
DEPARTMENT SUPPLIES	20,000	
CAPITAL OUTLAY-SLIDE	12,400	
CAPITAL OUTLAY-PLAYGROUND	85,000	
LIBRARY		
WAGES	10,400	
RETIREMENT	988	
FICA TAX	796	
DEPARTMENT SUPPLIES	300	
	282,744	25,000

INCOME					INCREASE	DECREASE
	RECREATION DEPARTMENT				75,000	
	B & O TAX				92,744	
	DOG TRACK-LOTTERY				90,000	
					257,744	-

232.

The City of New York

POLICE DEPARTMENT
NEW YORK, N.Y. 10038

GEORGE A. GRASSO
FIRST DEPUTY COMMISSIONER

May 7, 2002

Honorable Rusty Casto
Mayor of Nitro
City of Nitro
West Virginia 25143

Dear Mayor Casto:

Please accept my thanks on behalf of the men and women of the New York City Police Department for the generous contribution the people of your city have made to the Twin Tower Fund. While no amount of money can replace our fallen brothers and sisters, your thoughtful prayers and financial support will certainly ease the burden of their family members.

Thanks again and God Bless America.

George A. Grasso
FIRST DEPUTY COMMISSIONER

GAG/PC/jwj

Misc 243-5 (Rev. 1-02)-Pent.

CITY OF NITRO

SPECIAL COUNCIL MEETING MINUTES

JUNE 13, 2002

Mayor Casto called the Special Council Meeting to order in Council Chambers at 7:00 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present were Chief Jack Jordan, Captain Gene Javins, Captains Ernie Hedrick, II, Ronnie King and Building Inspector Bryan Casto. Interested citizens present were Alan and Holly Cross, Wendy and Josh Hatfield and Ralph McKinney, Jr.

The first item on the agenda is annexation of Bailes Drive and Nitro Park Addition which Councilman at Large Tim Sizemore asked to address and since he isn't here we will begin with agenda item two.

AGENDA ITEM NO. 2 – PERSONNEL: - Mayor Casto yielded the floor to Captain E. W. Hedrick, II and asked him to address members of Council on the issue of the injured fireman. Captain Hedrick, II said he didn't know how long Firefigher Jones would be gone. Councilman Harry Miller, III asked if he had a recent examination, and Captain Hedrick said he thought so. Captain Hedrick said he thinks he is still disabled. Captain Ronnie King said he talked with Firefighter Jones an hour and a half the other day. He has gone through more than 12 sessions of therapy, and the plan is to go through regular therapy and once he gets through that, they will send him to occupational therapy. It will be 14 days at 8 hours a day. He got through 8 or 9 sessions of therapy, and they had to put him in traction. They started therapy over again and he got through 8 or 9 sessions and they put him in traction again. They started therapy again and the doctor specifically ordered no traction, so as soon as they get him through 12 sessions, they will send him to occupational therapy. He is still on workers' comp. Councilman A. A. "Joe" Savilla said they discussed the possibility of hiring a 90 day firefighter and asked the status of that. Mayor Casto answered that the wheels were turning on this. Councilman David Miller asked when the test would run out, and was told in July. Councilman Harry Miller, III said we have a list and basically it would be a matter of hiring off of the list, and that is really between the Chief and Mayor. He said positions are budgeted. Councilman A. A. "Joe" Savilla said we know the money is already there because Firefighter Jones is strictly on Workers' Comp. Councilman at Large Rich Savilla said they could obtain information between now and the Council Meeting next week.

Councilman Harry Miller said another personnel matter would be appointing an acting Chief, but it is really the Mayor's area. However, it would be good for us to vote on this and get it on record. Mayor Casto advised that Ernie Hedrick was the next in line as far as seniority is concerned, so it would be fair to make him acting chief until the test is taken. COUNCILMAN AT LARGE RICH SAVILLA MOVED WE APPOINT

CAPTAIN E. W. HEDRICK, II AS ACTING CHIEF SINCE HE IS THE SENIOR CAPTAIN UNTIL THE TEST IS GIVEN, SECONDED BY COUNCILMAN DAVID MILLER. Mayor Casto said he would continue his Captains pay. A VOTE WAS TAKEN AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN ABSTAINING.

Councilman A. A. "Joe" Savilla asked Acting Chief Ernie Hedrick, II if he could request a doctor's examination of Firefighter Jones and he answered he couldn't as long as he was on Workers' Comp. He said they would have to file a paper with the Pension Board and it is a big step for the Pension Board. Councilman Harry Miller, III said he wanted us to make sure we follow up on this. Councilman at Large Rich Savilla told Ernie Hedrick that as Acting Chief to get as much information as possible for Council to have Tuesday. Councilwoman at Large Brenda Tyler asked how long are we required to hold his job, and Chief Hedrick answered he would think until Comp releases him. Councilman Harry Miller, III said as they previously discussed, his job remains open until he either is disabled and can't do the work or he returns to work. Councilwoman at Large Brenda Tyler asked other than the 90 day hiring are there any provisions made to increase manpower and we will be short manpower indefinitely. She asked if we do a 90 day hire could we do another 90 day hire if needed. Councilman Joe Savilla said this was a good point because we are having a retirement, and asked if we would hire someone to replace the retiree. We need a permanent employee and a 90 day employee. We have two or three people on the active list. Councilman Harry Miller, III said we should get a background check on the two eligible people as soon as possible. Councilman Harry Miller, III asked if this could be done by the next meeting, and the answer was they would try. Chief Hedrick advised that the vacancy needs to come from the Mayor to the Civil Service Commission.

AGENDA ITEM NO. 1 – ANNEXATION: - Mayor Casto yielded the floor to the Building Inspector Bryan Casto. Bryan Casto said he thought everyone was aware of the proposed by-pass of I-64 and I-77 interchange. It is suppose to go through between Carriage Way and Brookhaven vicinity. He pointed this out on a map, and the area to be annexed. He explained they wanted to do the annexation in 3 steps. The one in Putnam County includes the Turnpike Chevrolet area, the next section of Putnam County is Ortin Heights and that section, the Kanawha County is separate which is the end of Hulbert Heights and Nitro Park Addition. Councilman Joe Savilla asked if this was contiguous, and Mr. Casto advised it was.

Councilman at Large Timothy Sizemore said Shadow Hills is in Kanawha County. They are in need of a sewer system. Councilman Sizemore pointed out the area that would be his first objective. He said we could do this by minor boundary adjustment because we are all around it. If one person opposes the annexation, then it has to go to a vote. Councilman at Large Tim Sizemore said we might want to mail a notice to each resident in the area and advise them of a public hearing and would like to have their opinion on the back of the notice if they are interested. Councilman Joe Savilla said there is a better way to do it and that is to take a couple of weekends and go door-to-door. Nitro is providing emergency services to these areas. He said there are a lot of things that

needs to be taken into consideration. Councilman Tim Sizemore told a resident that by her being out of the City she could get anyone she wanted to come in and do construction work which may hurt their property, but if they were in a municipal area there are certain allowances that can be done. It must meet all safety requirements. Councilwoman Tyler advised that when they were trying to annex property near Nitro Market Place, some of the areas objected and didn't want to come into the City. Now they have a strip joint out there and they are not happy with that either. If it had been in the City it would not have been there now. Councilman Sizemore said he wasn't interested in spending tax payer's money. He said if it is something that might go, then that is fine, but he wasn't going out there and make a fight and he is sure he speaks for everyone on Council. Mr. Ralph McKinney, Jr. said his mother-in-law lived in the area, and pointed out a couple things Council might want to look into. He said first of all, it would increase the property tax and this is nothing. The biggest thing about being in the City is that it will decrease the homeowner's insurance policy premium. He said the City does not have jurisdictional boundaries. If there is a fire or any police emergency, they don't' have to respond. It would fall back on Putnam County or the County in which they live. Councilman Harry Miller, III said this was very preliminary. We have a lot of things to look at, and we want to get some information from people. Unopposed annexation by minor boundary adjustment will take a minimum of two to three months. Councilman Harry Miller, III said they didn't want to force anybody into anything; they just want to get the issue out. He explained that if a single property owner objects in the area to be annexed, this would stop the annexation. The only other alternative would be an election in the area to be annexed as well as an election for the City as both have votes and it would need to be fifty percent plus one. There was a short discussion regarding municipal service fee and sewer fee.

Councilman A. A. "Joe" said the residents should want to be a part of the City of Nitro. Our Fire Chief just retired and we have a firefighter on disability. We called an emergency council session so that we could authorize the hiring of two firemen so that we can make sure our fire department is covered 24 hours a day, 7 days a week. We have the best trained police and fire departments in the State of WV. Mayor Casto told Mr. Cross that they would like to have them in the City, and Councilman Joe Savilla told him to talk with his neighbors. Councilman Harry Miller, III said they are telling them what they know based on previous experience. Councilwoman at Large Brenda Tyler said it would be their decision, not Councils'.

Mayor Casto said he met with the DEP this afternoon about the Smith Street Landfill cleanup. All the information will come to the desk of the Project Manager and then to the Library and to the Mayor. His telephone number is 558-2508. They will start doing soil and air samples next month.

Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler and Chief Jack Jordan for a report on the proposed water park. Councilwoman Tyler advised they received a check today from Wal-Mart toward the children's playground section. She said according to her records we are within $6,500 paying off. She informed that probably Tuesday night we will receive a gift of $20,000. She said she thinks the

Kanawha County Commission is going to give us $25,000 and RC & D will give us somewhere between $10,000 and $15,000, and Chief Jordan assured her that we are going to make about $20,000 at our Homecoming. So, this gives us around $75,000 coming in. She said we will have around $50,000 in excess of paying off the playground equipment.

Councilman Joe Savilla asked the price of the proposed water park, and she answered that the bid received was around $30,000 to $33,000. After review by Chief Jordan and Director of Public Works A. J. Hill, of the drawing they feel that a lot of this work they can do and cut the price down. It is 30 x 50 oval and there is room to put this in. A. J. measured this and informed they do have an area to put this in. He would like to be able to hook it into the pool and circulated through that. This item will be addressed Tuesday night.

Mayor Casto said we might want to consider raising the playground fence up 8 feet and then moves the fence from the pool back to that area and put grass area so that we may allow more people to come in. Councilwoman Tyler said if we incorporate the water park into the pool area we would be removing the fence anyway. Councilman Joe Savilla said if we could raise enough money we could get all the plumbing fixed because this will be a major expense. Mayor Casto said we are also going to have to tie the baby pool into the pump. Councilwoman Tyler informed that the materials have been ordered for the pavilion. Also, the molding for the fence has come in and it will coordinate with the playground. All will be coordinated together. She said we have a gentleman that will come down and help us with the landscaping. She told the Mayor that she needs to know whenever he is notified of the grant money to put in the walking trail. Mayor Casto said there will be a grant meeting Tuesday at 7:00 a.m.

There being no further business, the meeting was adjourned.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECODER

CITY OF NITRO

COUNCIL MEETING MINUTES

JUNE 18, 2002

Mayor Casto 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, Timothy 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 COUNCILMAN BOBBY SMITH.

COUNCILMAN HARRY MILLER, III LED THE PLEDGE OF ALLIEGANCE.

AGENDA ITEM NO. 1- APPROVAL OF 06-04-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE COUNCIL MEETING MINUTES OF JUNE 4, 2002 BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – APPROVAL OF 06-13-02 SPECIAL COUNCIL MEETING MINUTES:- COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE SPECIAL COUNCIL MEETING MINUTES OF JUNE 13, 2002 BE APPROVED AS WRITTEN, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: - Mayor Casto advised that each month the City of Nitro recognizes a special citizen who gives above and beyond the call of duty to make Nitro the very best place to live. Mayor Casto announced the June, 2002 Citizen of the month is Lindsay Renee' Kiser. She has accomplished many things even though she is hearing-impaired and has a balance and vision problem. She has played ball and taken tap, ballet and jazz for nine years. She was not allowed to attend our schools in Nitro because of her hearing impairment. She attended Shoals Elementary, Stonewall Jackson Junior High and Capitol High School. Lindsay, along with other students at Shoals Elementary learned American sign language, and in the sixth grade she was awarded the Presidential Award for Academic Excellence by President Bill Clinton. Lindsay worked hard in school and was inducted into the National Honor Society at Capitol High and graduated with a 3.6 overall GPA and has maintained a 4.0 GPA for the last two years of high school. In addition, she was recognized for her many hours of community service. She will be attending WV State College this fall. A big round of applause was given Lindsay. Mayor Casto presented her with a card and told her to go to McDonalds and have some dinners. Another big round of applause was given her. She graduated 60th in a class of 253 at Capitol High. There was an article regarding her in the May, 2001 Charleston Gazette Flipside. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED WE MAKE THE

LETTER AND THE MAGAZINE ARTICLE A PART OF THE MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COPY OF LETTER & MAGAZINE ARTICLE ATTACHED.

Mayor Casto asked to address Agenda 5 at this time. COUNCILMAN HARRY MILLER, III MOVED TO ADDRESS AGENDA ITEM NO. 5 AT THIS TIME, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 – SMALL CITIES BLOCK GRANT RESOLUTION – TERRY MARTIN: - Mayor Casto yielded the floor to Mr. Terry Martin who read the resolution to authorize the submission of a Small Cities Community Development Block Grant Application for the City of Nitro, Kanawha County, WV. COUNCILMAN HARRY MILLER, III MOVED WE ADOPT THE RESOLUTION, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

RESOLUTION 02-06 ATTACHED.

AGENDA ITEM NO. 4 – WORKERS' COMP REPRESENTATIVE: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison introduced Kent Stewart who wanted to speak to us about our Workers' Compensation and he promised he would give him five minutes. Mr. Stewart explained that his TRG (Tri-State Rehabilitation Group, Inc.) has been in business for 25 years. They have worked with attorneys, law firms and comp. There is no cost to an employer. He said they believe in early intervention. Mr. Stewart explained their procedure and named a few of the companies they have. The case managers work from home, and go to the doctor with the person on comp and therefore, get reports of what the doctor says. He advised the whole idea is to get people back to work, and they are not under contract with them. He stressed that at no time would it cost the City money. The Mayor asked if we would have to put this out for bid, and Treasurer Ralph Allison informed that we would not be spending any money for this. The Mayor said we would probably have to have guidelines to have someone do this, and the Treasurer said he was probably right on this. Mr. Allison said he wasn't going to ask Council for any decision this evening but he wanted Council to be made aware that this service was available, and possibly give the Mayor, Recorder and himself permission to look at this and determine if we needed to hire somebody. Mr. Stewart said we already pay for the service, and all they would like to do is request we let his company handle this for the City. Councilwoman at Large Brenda Tyler asked if we already had a case, would they pick this case up. Mr. Stewart said they could if it hadn't been assigned to another rehabilitation company. COUNCILMAN A. A. "JOE" SAVILLA MOVED THIS MATTER BE PLACED INTO THE COMMITTEE CONSISTING OF MAYOR CASTO, RECORDER JOAN MCCLANAHAN, TREASURER RALPH ALLISON AND DEPARTMENT HEADS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mr. Allison stated that for the record he hadn't met Mr. Stewart until he called.

AGENDA ITEM NO. 6 – DRIVER FOR SENIOR CITIZENS (RALPH ALLISON) – Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison stated that the senior citizens asked us to help them with the expense of their driver for a couple weeks this summer as they are apparently short on funds. The seniors will select the driver. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED WE PAY FOR A DRIVER FOR THE VAN FOR TWO WEEKS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 7 – STREET LIGHTS & RAILROAD WORK: - Mayor Casto said when he was elected Mayor in 1996 he went up to the Department of Highways and told them he needed a bridge on 31st Street, East and he needed the 19th Street Railroad crossing upgraded. He was turned down on both requests at that time, but he eventually got the bridge. He then requested to have a person to come down at the end of the school day and see how close the trucks and buses had to swing around the post. They had all the work done and the money set aside and then they sold the railroad. This brought the project back to phase one. Then they went through all the paper work and the floods hit. Now it will go out for contract in July and the money has been set aside and the work should start in September.

Mayor Casto said they have been trying to get a street light put in on 40th Street for a long time. When citizens or a member of Council tell him that a street light is burned out he will fax a letter to American Power and give a copy to the ward councilman and send one to the person notifying and requesting the light be replaced. Mayor Casto requested they furnish him the pole number.

AGENDA ITEM NO. 8 – APRIL ROBERTSON: - Mayor Casto yielded the floor to City Attorney April Robertson. She said she had an ordinance authorizing the public sale of surplus property by public auction. She advised that the items proposed to be sold, need to be advertised two consecutive weeks prior to the sale. City Recorder Joan McClanahan or the City Attorney needs a list of the items to be sold and a brief description, and a time, date and place of the auction. COUNCILMAN HARRY MILLER, III MOVED THE TITLE ONLY BE READ, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. Mayor Casto read title AND COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE FIRST READING OF ORDINANCE BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

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

AGENDA ITEM NO. 10 – MAYOR'S COMMENTS: - Mayor Casto asked Councilman David Miller to bring Council up-to-date on the work on 10th Street. Councilman David Miller said Public Works, the Sanitary Board and Fire Department worked from eight o'clock this morning and they still may be working to try to unplug the 4 foot drain line from 10th Street to 11th Street. It is plugged from top to bottom with silt, rocks and dirt, and they think if they are able to break through it will eliminate a lot of the problems in that area. He said he would like to commend all the workers. It is a

hot, nasty job. He said it was great seeing the departments working so well together. Mayor Casto thanked Councilman David Miller for all of his work, and said it might alleviate all the mud and water coming down 10th Street. General Manager Danny Lewis is going to order a special device for his truck that will flush out a four foot line, but it wouldn't flush this one because it is so solid. Mayor Casto said if we have the money he would like to put out for bids the paving of 9th and 10th Streets and Third Avenue from 4th to 13th Streets.

Councilman A. A. "Joe" Savilla said if the State comes out with excess money, we could spend it all in the Brookhaven area.

Councilman A. A. "Joe" Savilla said he had a couple of calls from residents of Bailes Drive and they said they polled all the neighbors and they want to come into the City, so we need to take the next step.

Councilman David Miller said he would like to commend Council on the manner in which they presented the case regarding the annexation of Bailes Drive. When the residents came to Council, they were dead set against it but Council presented the case in such a manner that when they left, they had a different outlook.

Mayor Casto said they have had a number of fundraisers and the golf tournament is being planned. We also have the auction coming up. He said he showed the Treasurer and Councilwoman Tyler his figures and after he goes to the bank tomorrow, he will be within $3,850 having the playground paid off.

Mayor Casto advised that Chief Jordan has been working on a grant to get the water park put in and Chief Ernie Hedrick, III and him had been working on a grant to get a heater for the pool.

Mayor Casto said he wanted to commend Chief Jordan on the professional job his department did on arresting the young men who did all the vandalism at the high school.

Councilman David Miller said Chief Hedrick said we should look at making a purchase of a personal monitoring system to allow them to go deeper in the hole around 10th Street. Our equipment is pretty limited and we borrowed equipment from Flexeys. It was fine for today when they were monitoring the air quality but they are going to have to go deeper. The cost would be $2,000 and Mayor Casto said if the City could pay $1,000 then he would ask the Sanitary Board to pay the other half. They need this system immediately. COUNCILMAN DAVID MILLER MOVED WE DECLARE AN EMERGENCY AND PURCHASE THE PERSONAL MONITOR , SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilman David Miller asked the City Attorney if she could get the water company to replace the curb and the street on 10th Street. It is where they did their work and didn't finish it.

Councilman A. A. "Joe" Savilla asked Chief Jordan to read a letter from a citizen of Dunbar expressing his appreciation for assistance from Patrolman Whitney while driving through Nitro. Councilman Savilla said this is just another example of the kind of employees we have.

Councilman Harry Miller, III said he wanted everyone to know that some of the City Council, Chief Jordan and Chief Hedrick will attend the hazard mediation grant program seminar in Charleston. This will allow them to work with the government agencies providing grants for hazard litigation.

Councilman at Large Richard Savilla said he would like to know what it would cost to finish paving the City Park parking lot. Mayor Casto informed that the basketball court will be paved tomorrow and he will ask him to give him a price.

Councilwoman at Large Brenda Tyler asked when the old house near the Library would come down. Council wanted it removed the same day it is torn down as it is an eye sore and a safety hazard. Councilman at Large Tim Sizemore asked the Mayor to call Nathan Wills and advise him what they were planning to do.

Councilwoman at Large Brenda Tyler said we had our first night fishing tournament and it went better than the other tournaments we have been having, because at the last minute Chief Jordan, Debbie and their son set up a concession stand and worked it until after midnight and sold lots of concessions with proceeds going toward the playground. She said she received a suggestion from a fisherman that came in from Ohio and said he would come in again for the tournaments. He suggested stocking the lake a week prior to the tournament and hold the tag fish until the last minute. She said by stocking the day before, the fish are not ready to bite. Mayor Casto said he was up at the lake yesterday evening and several people were fishing and using the benches that the City Recorder Joan McClanahan got for the City.

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

Rusty Casto

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

Lindsay Renee Kiser, is a remarkable young lady. Even though she is hard of hearing, has low vision and a balance problem, she has accomplished many things. She does not let her disabilities stand in her way. She has played T-Ball, softball, and has taken tap, ballet and jazz dance for nine years.

Lindsay was not allowed to attend her home schools in Nitro because of her hearing impairment. She was enrolled at the designated hearing impaired schools for Kanawha County: Shoals Elementary, Stonewall Jackson Junior High and Capital High School.

Lindsay, along with the other students at Shoals Elementary, learned American Sign Language.

In the 6th grade, Lindsay was awarded the Presidential Award for Academic Excellence by President Bill Clinton.

Lindsay worked very hard in school and did not let her disabilities keep her from participating in extracurricular activities.

Over the last several years, Lindsay has participated in the Charleston Optimist Club's Communications Contest for the deaf and hard of hearing. This year she won 3rd place.

In April 2001, Lindsay was inducted into the Capital High School's National Honor Society.

Lindsay graduated this year from Capital High School with a 3.6 overall GPA and was ranked 60th in her class of 256.

In addition, she was recognized for her many hours of community service.

Although Lindsay was accepted at Gallaudet University in Washington, DC, Lindsay has decided to stay close to home and attend West Virginia State College this fall.

Lindsay is the daughter of Jim and Kristina Riffle of 806 Dupont Avenue.

A lack of hearing ability doesn't stop Capital student

By Michael Ramsburg
Capital High School

The dim lights shine brightly upon the barren stage. The leader of the National Honor Society finishes a speech, and then it is time for the initiation of the new inductees.

Slowly, the names of the honored students are called. Lindsay Kiser, a Capital High junior, makes her way to the stage. As a small pin is placed on her chest, her faint smile turns into a serious expression. She examines the auditorium, then again smiles that faint smile.

National Honor Society membership is only one of Kiser's accomplishments. She is a member of Youth in Action, a national campaign organized by Mothers Against Drunk Driving to inform teens about the risks of alcohol use and abuse. She also belongs to Teens Against Tobacco Use. Kiser has used sign language to present the National Anthem before basketball games and sung for the governor.

It sounds like the life of a regular teen, right? In fact, Kiser is a regular teen. But one thing makes her different from other teens — her inability to hear much sound.

She's quick to clarify that she is not deaf. Rather, she is hearing-impaired.

"When I was 9 months old, I received the Pertussis vaccine for the third time," she explained. "That caused me to have a slight balance and hearing problem."

But that was not the end of her transition into the hearing-impaired world. "When I was 18 months old, I became critically ill and was treated with ... an antibiotic, to save my life," she said. "That caused my balance problem and hearing to [get worse], and also caused my vision problem."

Kiser's eye and balance problems have greatly affected her daily life, but not as much as her hearing difficulties have. Sometimes, she is unable to understand what others say. She must now use a sign language interpreter in school.

And sometimes, it is hard for her to speak with family and friends. "My family sometimes has to repeat things over and over for me to understand them," she said.

Simple tasks most teens take for granted — like talking on the telephone and watching TV — prove difficult for Kiser. "When I speak on the telephone," she said, "I sometimes have to have someone else get on the phone to ask the person what he or she was saying. I have to depend on TV with closed captioning, to understand what [characters] are saying word for word."

For the most part, Kiser said she can understand what people are saying, with the help of her hearing aid and some tactics she has learned over her 18 years of being hearing-impaired.

"I wear hearing aids, I lip-read sometimes and use an interpreter to understand what people are saying," she said. "I also try to listen to people's voices."

Lindsay Kiser, a Capital High student who is hearing-impaired, signs the National Anthem during the recent state girls' basketball tournament.

She added that it is hard for her to understand everything a person says, even when using her hearing aid and lip reading.

"Sometimes even if I hear the person's voice, I can't understand every single word he or she is trying to say without them using sign language. Sign language helps me to understand things better," she says.

In addition to the activities mentioned earlier, Kiser currently is involved in the Spanish Club, ballet and many community service projects. But extracurricular pursuits can be difficult for her when her peers are talking and she cannot understand what they are saying.

"Sometimes I feel left out of things, when I don't understand what is going on," she said.

Kiser said that some people perceive her as not being normal. In response, she said, "I can dance and run and do many other things 'normal' people do."

But there are occasions when things are awkward. "I sometimes feel different when I feel left out of the normal things. Sometimes I just get angry and depressed and keep quiet, but most of all I just do the best I can to deal with what is bothering me."

She offered similar advice for other individuals, especially the hearing-impaired. "Just do the best you can in whatever you do. When you don't understand something, just do what you are able to and don't worry about what you cannot do. Just be thankful you're not as bad off as some people."

RESOLUTION 02-06

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

WHEREAS, the City of Nitro, West Virginia is aware of its need for street paving; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Rusty Casto, Mayor, of the City of Nitro, is hereby authorized by the City Council to sign all documents pertaining to the preparation of said application, and to submit the application to the WV Development Office for funding consideration.

This Resolution becomes effective as of this date. Passed this 18th day of June, 2002.

Mayor
City of Nitro

City Clerk

CITY OF NITRO

PUBLIC MEETING

JUNE 18, 2002

Mayor Casto called the Public Hearing to order at 7:00 p.m. in Council Chambers. Present were City Recorder Joan McClanahan, Councilman at Large Rich Savilla, Councilwoman at Large Brenda Tyler, Councilman Bobby Smith, Melanie Jarvis from Charleston, David Payne from the Daily Mail and Terry Martin from the Regional Intergovernmental Council.

Mr. Martin welcomed everyone and explained the purpose of the properly advertised public hearing was to discuss the street paving of 24th to 40th Streets and Michigan Avenue.

The next step is for Council to pass a Resolution authorizing the submission of a Small Cities Community Development Block Grant Application and to submit the application to the WV Development Office for funding consideration.

The meeting was opened for questions or comments, and there being no input from the people present, the meeting was adjourned.

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

JULY 2, 2002

Mayor Casto called the meeting to order at 7:30 p.m. in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Timothy 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.

COUNCILMAN AT LARGE TIM SIZEMORE MOVED WE KEEP THE WORDS "UNDER GOD" IN OUR PLEDGE OF ALLIEGANCE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND IT WAS UNANIMOUSLY APPROVED.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

JACK BAILEY LED THE PLEDGE OF ALLIEGANCE.

AGENDA ITEM NO. 1 – APPROVAL OF JUNE 18, 2002 COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE TIM SIZEMORE MOVED THE MINUTES OF JUNE 18, 2002 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 – APPROVAL OF JUNE 18, 2002 PUBLIC HEARING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE PUBLIC HEARING MINUTES BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH COUNCILMAN HARRY MILLER ABSTAINING.

AGENDA ITEM NO. 3: - BID OPENING: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. She advised we received three bids on the fleet of vehicles. One from Nitro Dodge, General Truck Sales and Bert Wolfe. Councilman at Large Timothy Sizemore opened the bid from General Truck Sales, Corp. of Charleston, WV. for a total bid of $208,600. with an optional 5.3 V-8 at $700.00 per unit making a total bid of $212,800.00. Councilwoman at Large Brenda Tyler opened the bid from Paul Johnson with Bert Wolfe Ford. Councilman A. A. "Joe" Savilla opened a bid from Nitro Dodge. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MAYOR, CITY TREASURER RALPH ALLISON AND CHIEF JACK JORDAN GET TOGETHER AND SELECT WHICH BID THEY FEEL IS THE BEST, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 4 – RECREATION UPDATE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman at Large Brenda Tyler said before she addressed recreation, she furnished Council a copy of the agenda for the homecoming for the City of Nitro. She said she needed to have some items approved for the homecoming committee. The Homecoming is scheduled for July 19, 20 and 21, and on Friday, July 19, at 8:00 a.m. to 2:00 p.m. there is a golf tournament. Also, the Boy Scouts are going to set up and do a Camporee at Ridenour Lake. There will also be a concert at the gazebo, and there will be concessions and a fishing tournament running from 7:00 p.m. to 7:00 a.m. The above activities will take place on Friday. On Saturday morning, there will be a parade beginning at 10:00 a.m. and she would like permission for this. Also, the Homecoming Committee is sending a letter to all businesses on 21st and Bank Streets that they want to close these streets to traffic on Saturday, and set up a stage for entertainment and vendors will be set up along the street. These activities will go on until around 10:00 p.m. Saturday night. On Sunday, they will move everything over to the City Park. There will be an old fashion camp type meeting with dinner on the ground consisting of fried chicken and the works. Local ministers will be speaking and 25 gospel groups performing all day long. This will start at 1:00 p.m. and continue until 10:00 p.m. ending with fireworks. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE PERMIT THE HOMECOMING COMMITTEE TO BE ABLE TO FOLLOW THEIR AGENDA WITH APPROVAL OF A REQUEST TO HAVE A PARADE AND BE ABLE TO CLOSE 21ST AND BANK STREETS TO TRAFFIC, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilwoman at Large Brenda Tyler announced there would be a Homecoming Committee meeting Friday, July 5, at 6:30 p.m. in Council Chambers if anyone would like to attend or had any questions concerning the Homecoming.

Councilwoman at Large Brenda Tyler said she feels most of Council already knew of the Raze Program being presented to teenagers in News Across the Nation and in public schools trying to prevent smoking among the youth. They requested to set up at City Park in a small area in the parking lot and meet there this Saturday at 1:00 p.m. to hand out their literature. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED PERMISSION BE GRANTED TO RAZE PROGRAM REPRESENTATIVES TO DISTRIBUTE LITERATURE AT CITY PARK IN THE PARKING AREA, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE POLICE AND FIRE DEPARTMENTS BE GIVEN PERMISSION TO HAVE A BOOT DRIVE SATURDAY, JULY 20, 2002, WITH PROCEEDS GOING TO THE RECREATION COMMITTEE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilwoman at Large Brenda Tyler announced that signs have been acquired for the playground and final money received. Mayor Casto advised that Senator Craigo

contributed $20,000 and we have $2,900 left. Councilwoman Tyler said they wanted to continue with this project in the area and are in hopes by the end of summer, they will have the children's park area pretty well completed. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE ALLOW CHIEF JORDAN AND A. J. HILL TO PROCEED WITH INSTALLING THE WATER PARK NOT TO EXCEED A $30,000 PRICE. She said they have been looking at this and felt they could do this on their own rather than go with the company making the bid. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Councilwoman at Large Brenda Tyler said there was concern that we didn't have enough space on the deck area for the number of people present at the pool, and in their plans they can extend the deck area by knocking this side of the fence out of the pool and extend on out. She said they could also use the filtration system we now have at the pool which will save us a lot of money by installing it in the area they want to.

Councilman A. A. "Joe" Savilla asked if we were still selling bricks, and Councilwoman Tyler informed that they were. She said all donations are appreciated.

Chief Jordan and Captain Javins sold 20 bricks to the FOP.

Mayor Casto mentioned that we might have to put the $30,000 on Convest, and Treasurer Ralph Allison said we could if we need to, but it was his understanding that probably we will make enough off of the homecoming. Councilwoman Tyler agreed. She said we are going to get the money in and they are going to have a brand new automobile to raffle off which should bring between $15,000 to $20,000. This is in excess of everything else they have going. Chief Jordan's wife and Robin have worked extremely hard on this. Alex Hill's wife is working on getting the gospel groups in. This has been a team effort from everyone.

Councilwoman at Large Brenda Tyler said as Council was aware we are trying to get a boat dock in the City of Nitro. They have started cleaning the Smith Street Landfill and it is her opinion that if you could get Senator Byrd involved you pretty well get the money to get the project done. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE SEND OUR MAYOR TO WASHINGTON, DC AND PAY THE SENATOR A VISIT, AND IF WE GET THE MONEY WE WILL NAME THE BOAT LAUNCH AFTER SENATOR BYRD. SHE SAID I BELIEVE IF WE STICK HIS NAME ON IT, HE WILL PAY FOR IT. MOTION SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilman Harry Miller, III said he was extremely impressed with the amount of work and the amount of enthusiasm everyone is putting in on the homecoming.

AGENDA ITEM NO. 5 – HOMECOMING UPDATE: Chief Jordan reiterated that there is a homecoming meeting scheduled Friday, July 5, 2002 at 6:30 p.m.

AGENDA ITEM NO. 6 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. April Robertson said we have the second reading

on ordinance regarding the auction. COUNCILMAN DAVID MILLER MOVED THAT TITLE ONLY BE READ, SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED. Mayor Casto read title only of ordinance "An ordinance authorizing the public sale of surplus supplies and equipment before they become unsuitable for public use or valueless through deterioration or obsolescence". COUNCILMAN HARRY MILLER MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN DAVID MILLER. The City Attorney April Robertson explained that the items to be sold must be listed in the newspaper ad and published two consecutive weeks prior to auction. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.
ORDINANCE 02-04 ATTACHED

City Attorney April Robertson asked if the work had been done by the water company over the last two weeks. She was informed it had not been, and she said she would call them again.

AGENDA ITEM NO. 7 – RALPH ALLISON: - Nothing to report.

Councilman at Large Timothy Sizemore told the Treasurer that the Antique Car Club needed a check for $350.00.

PLANNING COMMISSION: - Mayor Casto explained that we received the Planning Commission Minutes this evening too late to get on the agenda. He yielded the floor to the City Recorder. City Recorder Joan McClanahan furnished members a copy of the minutes and attachments. Mr. John Burgess could be present this evening and asked to have his request put on the agenda. Building Inspector Bryan Casto informed that he already had a building in place on the property. Councilman Harry Miller, III commented that he feels that anything done around the Raleigh Junk area would be an improvement. COUNCILMAN HARRY MILLER, III MOVED WE APPROVE THE RECOMMENDATION OF THE PLANNING COMMISSION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. City Recorder Joan McClanahan called Councils' attention that the Planning Commission recommended Mr. Burgess be sold the property abutting parcel 56 from his driveway to the river (25 ft. wide) for $500.00. City Attorney April Robertson said there was a criteria for abandonment , and she would have to review them to make sure the correct steps were followed. COUNCILMAN HARRY MILLER, III WITHDREW HIS MOTION UNTIL THE CITY ATTORNEY HAD AN OPPORTUNITY TO REVIEW THE CASE, AS DID COUNCILMAN A. A. "JOE" SAVILLA WHO SECONDED THE MOTION. COUNCILMAN HARRY MILLER MOVED WE TABLE THE MOTION UNTIL THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. A neighbor of Mr. Burgess expressed his support for Mr. Burgess to have the property. Councilman Savilla explained that Council passed an ordinance regarding this type of situation and we have to make sure everything is handled according to the ordinance.

Mayor Casto brought Council up-to-date on the Smith Street Landfill work. He said before that he had three things he had in mind on this and that is the health of the

people in the area, that property could be bought and sold in that area and one of these days we could put a boat ramp there. Chief Jordan brought Council up-to-date on work that has been done. Mayor Casto said they will determine what is in the soil and if DEP approves it, then it goes to DNR to build the boat dock.

Mayor Casto said if the City can afford it, he would like to obtain sealed bids for paving of 9th and 10th Streets between 2nd and 3rd Avenues and Third Avenue between 4th – 13th Streets, Paved and milled. COUNCILMAN DAVID MILLER MOVED WE PLACE OUT FOR BID TO BE PAVED AND MILLED OF 9TH & 10TH STREETS, PAVE 3RD AND 4 TH TO 13TH STREETS, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Mayor Casto thanked Councilman Joe Savilla for inviting him over for lunch today at his employment. He said he was very much impressed with what he saw today.

Councilman David Miller asked the Acting Chief Ernie Hedrick to advise of the drill they are having at the National Training Center on July 11, time unknown. Chief E. W. Hedrick advised they are having a drill at one of the old tunnels on the WV Turnpike. There will be military, federal agencies, St. Albans, So. Charleston and Nitro Police Officers present.

Councilwoman at Large Brenda Tyler said that most of us know Bill Fortune that lives within the City. He is bringing the Oakland International Pontiac Car Club to the Civic Center, and there will be around 4,000 at the show. He has involved the City of Nitro quite a bit with this. On July 12, he wants to know if the Chief could provide a police escort from Charleston Civic Center to Nitro beginning at 7:00 a.m. They will be having breakfast at the St. Paul's United Methodist Church, and they would like for 20th Street to be blocked off so they could park their cars while having breakfast. They are bringing them on a parade down the boulevard, across Patrick Street Bridge, down Route 60 through So. Charleston and St. Albans, across the bridge at St. Albans into Nitro. They will not need an escort to return to Charleston. Most of these cars are worth a lot of money and they want as many people to see them as possible. Councilwoman at Large Brenda Tyler said it is a great accomplishment for Bill Fortune to get them to come to Nitro.

There being no further business, COUNCILMAN DAVID MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A. A. "JOE" SECONDED THE MOTION, AND WAS CARRIED.

Rusty Casto

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 02-04

AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF SURPLUS SUPPLIES AND EQUIPMENT BEFORE THEY BECOMES UNSUITABLE FOR PUBLIC USE OR VALULESS THROUGH DETERIORATION OR OBSOLESCENCE.

WHEREAS, from time to time, certain municipal supplies and equipment become obsolete, worn out, scrapped, or otherwise unsuitable for public use; and

WHEREAS, the City of Nitro should recoup some of its investment in said supplies and equipment by selling the surplus before it becomes valueless through deterioration or obsolescence.

NOW, THERFORE, all department heads shall periodically submit to the City Recorder reports showing stocks of all supplies and equipment which are no longer used or which have become obsolete, worn out, scrapped, or otherwise unsuitable for public use; and

FURTHER, the sale of such surplus supplies and equipment shall be made to the highest responsible bidder or bidders at public auction for a fair and adequate consideration and in conformity with W. Va. Code § 8-12-18 and other applicable State law.

FURTHER, to insure that all prospective purchasers stand on equal footing one to the other, and to maximize the purchase price of surplus for the benefit of the City, proper notice of the time, terms, and place of sale, together with a brief description of the property to be sold, shall be published pursuant to W. Va. Code § 59-3-1 et seq.

Passed on first reading: JUNE 18, 2002

Adopted on second reading: JULY 2, 2002

Joan McClanahan
Recorder

Mayor

RESOLUTION 02-07

RESOLUTION

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

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

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

I, Joan McClanahan, Clerk of the (City) (Town) of Nitro, Kanawha County, West Virginia, hereby certify that the foregoing resolution was duly adopted at a (regular) (special) meeting of the council of said (City) (Town) held on July 2, 2002.

Joan McClanahan
Clerk

CITY OF NITRO

COUNCIL MEETING MINUTES

JULY 16, 2002

Mayor Casto 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 Richard Savilla, Timothy 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.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 07-02-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF COUNCIL MEETING MINUTES OF JULY 2, 2002, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 – BID OPENING - PAVING: - Mayor Casto yielded the floor to City Recorder Joan McClanahan to pass out bids received on paving. City Recorder Joan McClanahan advised she received four sealed bids. Councilman Harry Miller, III opened a bid from WV Paving, Inc. for a total of $34,409.00. Councilman Bobby Smith opened the bid from Skilton Paving in the amount of $47,578.00. Councilman David Miller opened bid from Blacktop Industries for a total price of $59,700.00. Councilman A. A. "Joe" Savilla opened bid from Nichols & Wright from Huntington for $49,996.00. Mayor Casto suggested forming a committee consisting of Treasurer Ralph Allison, Councilman David Miller, Public Works Director A. J. Hill along with himself to review all bids. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED A COMMITTEE BE FORMED AS SUGGESTED BY MAYOR CASTO AND AWARD THE BID, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto made Councilman David Miller Chairman of the Committee as he was Ward Councilman.

AGENDA ITEM NO. 3 – ACTION ON PLANNING COMMISSION RECOMMENDATION: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan said at the last meeting we had the minutes of the Planning Commission on a request by John Burgess to put up a fence and

the Planning Commission gave us their recommendation. Council elected to wait until our Attorney reviewed this request before any action was taken. City Attorney April Robertson passed out an ordinance for Councils' consideration. She said she reviewed the action taken by the Planning Commission at a Public Meeting held on June 25, 2002 after publication. There was no objection to the abandonment of a portion of what is shown on the City map as First Avenue but commonly referred to as DuPont Lane. If Council sees fit to approve the ordinance, the second reading would be at the next meeting, at which time she could have a survey ordered. She suggested we have the entire area surveyed by our City Engineer because of all the different street names. City Attorney April Robertson said she spoke with Mr. Burgess today and advised him of the street criteria that Council adopted in 2000 and revised in June, 2001. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. COUNCILMAN HARRY MILLER, III READ TITLE, "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 DUPONT LANE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA". COUNCILMAN HARRY MILLER MOVED WE APPROVE THE ORDINANCE ON FIRST READING, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

City Attorney April Robertson asked Mayor Casto if she should contact the engineering firm to do the survey, and he answered that he would be glad to.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. City Attorney April Robertson said she was asked by the Mayor to research and draw up an amendment to the current ordinance zoning regulations regarding Section 1335 which are constitutionally protected activities, and care must be taken in order to preserve the protection. A copy of the ordinance was distributed to members of Council that the City Attorney drafted for Councils' consideration. COUNCILMAN HARRY MILLER, III MOVED WE READ TITLE ONLY, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. COUNCILMAN HARRY MILLER, III READ TITLE, "ORDINANCE TO REPEAL, AMEND, AND REENACT ARTICLE 1335 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, TO ESTABLISH REGULATIONS OF EXOTIC ENTERTAINMENT WITHIN THE MUNICIPAL LIMITS". COUNCILMAN HARRY MILLER, III MOVED WE ADOPT ORDINANCE, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. Mayor Casto asked if this particular ordinance had ever been in a court case, and April Robertson answered that she wasn't aware of it if it had been. She said there, of course,

had been challenges to zoning ordinances to regulate new types of business activities all over the country. Mayor Casto said he knew the building that Council was thinking about and asked the Building Inspector Bryan Casto what they had applied for at this time. Building Inspector said the building would house a tavern and would have machines. They will serve beer and also food. He said he inspected the building last week, and he has two small rooms one for the bar and grill about the size of Council Chambers and the other one smaller for the machines. He has a small space for storage, but it's not large enough for live entertainment. Councilwoman at Large Brenda Tyler asked if we could do anything about the business now with the slot machines, and Councilman Harry Miller, III said unfortunately he thinks the State opened the doors to this sort of thing at the last legislative session. Mayor Casto said as the law reads, they can come in and put the machines in anywhere. Councilwoman at Large Brenda Tyler said the consensus of a lot of the citizens is that they do not want the slot machines in town, and Councilman Harry Miller, III said this is out of our hands. Concerned citizens Herb Fitzsimmons and Charlie Peters were present this evening regarding the business. Councilman Bobby Smith asked if we could pass an ordinance that would stop that business from going in, and Mayor Casto said that the State has a law passed that allows them to put them in. April Robertson advised that when you adopt any kind of distance restriction, you must take any discretion away from the building inspector by outlining how the measuring will be done. A vote was taken on the first reading of the ordinance and it was unanimous.

Councilwoman at Large Brenda Tyler asked the City Attorney to look into these gambling machines being within so many feet of churches, residents, schools and such and see if there is anything that we can put in writing on this.

AGENDA ITEM NO. 5 – RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer. Treasurer Ralph Allison said he would like to have a meeting a half hour prior or after the next Council Meeting. There are a few things he would like to go over with Council, and by this time we will know how much we made on the homecoming. It was agreed that the meeting will be held after the next Council Meeting.

Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler introduced Mr. David King a member of the Cross Lanes United Methodist Church. He is here to speak with us about having a 501-K run in the City with proceeds going to help sponsor a mission trip to Russia. Then, maybe continuing this with proceeds going to various other activities in the City.

Mr. King said he worked with Nitro and St. Albans High School in vocational training and special education with mental and physically handicapped people.

Mr. King said they are concerned with the orphans in Russia and need to raise $1,700.00 so they can go to Russia. He said they would work with a committee regarding a 5K run and a one mile walk, and asked permission to hold this event in Nitro in the fall. Councilman A. A. "Joe" Savilla said he would like for our City Attorney to

look at the legality for this event and as far as them having the run, he didn't see where we would have a problem with that. They would need to coordinate this event with the police and fire departments. Council asked Mr. King to bring his request to the next Council Meeting.

Mayor Casto yielded the floor to Chief Jack Jordan to report on the Homecoming. Chief Jordan said they need a lot of workers. They will be setting up the stage on 21st Street Friday. He advised of the parade, entertainment and the fireworks.

Councilwoman at Large Brenda Tyler said she would like to thank Chief Jordan, Robin, Debbie, Alex and everybody that have worked so hard on this Homecoming. They put many, many hours in this. She said if anybody has 15 minutes, or an hour or two to please come by and volunteer especially Saturday. They have all the supplies, all the booths and tables. They just need people willing to work the different stations. All the proceeds this year goes to the childrens park.

Mayor Casto thanked Chief Jordan and Alex Hill for all the work they have done to the pavilion in the last couple weeks. It is a nice looking pavilion, probably the finest in Kanawha County. Councilwoman Tyler added that if you haven't been over there that you should take time to go by and look at the expert work that has gone into it. It is not just a job being done, but it is one that is being done with lots of love and care for handicapped children. Councilwoman Tyler said A. J. Hill had a job to do on 4th Street and he went up there and took his crew, and the Chief of Police and some of the firemen were along. They took care of a problem that some of the neighbors were having. Later that evening, a crowd of people came to A. J.'s house and he didn't know what was going to happen. They made a certificate for him to show their appreciation. It stated, "This certificate is awarded to Mr. A. J. Hill, our neighborhood hero. Thank you for keeping us safe." A big round of applause was given him. She said it was wonderful to see all the employees pulling together, supporting each other and taking care of our city.

FRUTH PHARMACY REQUEST: - Mayor Casto yielded the floor to Building Inspector Bryan Casto to explain the request of Fruth Pharmacy. Mr. Casto said that Fruth Pharmacy contracted him in regards to putting a drive-up window in the alley between 20th and 21st Streets so that their patrons can pull in and pickup their prescriptions at the drive thru window. He said he couldn't find anything that addresses this issue, but it will be for pick up and delivery and he can't tell the guy that he can't do it. However, there maybe some traffic problems created by this. He said we may want to turn this over to the Zoning Board of Appeals. Councilwoman Tyler said she could see the convenience in this for elderly or handicapped people to be able to drive up to the window. Councilman Joe Savilla said we might want our Chief to look at this and the distances involved. Chief Jordan said they had researched this and they didn't see any problems as far as traffic. They would need to make the alley one way. Mayor Casto suggested the Chief and Bryan Casto get together and come up with some regulations and bring it back to Council at the next meeting.

Mayor Casto furnished the City Attorney a copy of a letter he received from the WV Advocates for the Handicapped and they want the City of Nitro's transition plan concerning ADA compliance.

Mayor Casto announced that Brenda and he would be selling a little sticker that says "I Support the Nitro Playground Fund". They will be standing out collecting money in a boot drive.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: - Councilman Harry Miller, III said he had a copy of a letter that was mailed to the newspaper regarding a fire in St. Albans. It was very complimentary of both fire departments as well as the police department. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE LETTER BE MADE A PART OF RECORD, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

LETTER ATTACHED.

Councilman Harry Miller reported that last Thursday, our Fire Department took part in a national response drill at the Memorial Training Center which used to be the tunnel on the WV Turnpike. Seven of our firefighters, three of our police officers, three St. Albans firefighters, two South Charleston and three Charleston firefighters took part in the drill. Ten were from Nitro. It was an outstanding drill and they heard nothing but positive comments about the job that was done and how it was handled.

Councilman A. A. "Joe" Savilla asked everyone to please stand and stated that he has lived in this City since 1957, and has never seen City employees such as we now have. He says the Mayor and Council should give every employee in this City a standing ovation. This statement received a big round of applause. Mayor Casto commented that on Saturday morning they were at the pavilion at 7:00 a.m.

COUNCILMAN A. A. "JOE" SAVILLA MOVED THE NEXT COUNCIL MEETING BE MOVED TO THE NEW PAVILION, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilman A. A. "Joe" Savilla said he was talking with Chief Hedrick and in the meeting, it was his understanding that they were going to hire two full time firemen and a 90 day fireman. This was also Councilman Harry Miller's understanding. He said we have two openings and one firefighter is disabled. Chief Hedrick said we hired one. Councilman Joe Savilla asked about the testing materials and Chief Hedrick said they had already spoken with the Fire Civil Service Commission.

Councilwoman at Large Brenda Tyler said at the last Council Meeting, Mr. Bill Fortune had brought the Oakland International Car Show to Charleston and there was a lot of coverage in the newspaper and on television regarding this. Some of the visitors

Associated with the cars were highly impressed with our police department coming to Charleston to meet them and escorting them into the City. They said they have held these car shows all over the United States and some in foreign countries, and this was the first time they had ever had a town give them a police escort and help them get their cars to cities where they were traveling. They brought them down through South Charleston and St. Albans and across the bridge so that lots of people could see those cars and then brought them to Nitro, blocked the street and gave them a place to park so they would be protected while they were in the City. They greatly appreciated the City of Nitro and our Police Department. She reported the youth group raised almost $4,000 for their group. The men at the church served breakfast to a group of men and made $800.00. The ladies served lunch and made $400.00, and this was from one location. While they were in town, they shopped at the stores, visited Some Where in Time and spent quite a bit of time shopping in the City of Nitro. The group was very impressed with the hospitality of this town.

Councilwoman Tyler said there was a young man that is serving the US Air Force and stationed in Texas. His wife was expecting a baby, and they had some medical problems and the Doctor had to start labor on the mother and bring the baby six weeks premature. The Red Cross was bringing the daddy home and the Doctor said he thought the baby would be born around 4:00 p.m. The daddy was arriving at the airport at 3:45 p.m., so they got a Nitro Police escort from the airport to the hospital. There are complications and will probably have to be an emergency caesarian section. Baby and Mother are both in danger at this time. Thanks to our Chief the Daddy did make it. He received a round of applause.

Baby Sizemore will be baptized Sunday morning at St. Paul's United Methodist Church.

Mayor Casto said he would appreciate any help he could receive on the boot drive Saturday.

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

Rusty Casto

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN McCLANAHAN, RECORDER

July 11, 2002

Editors of the Charleston Gazette and Daily Mail
1001 Virginia Street
Charleston, WV.

Dear Editor:

I hope you will allow this letter to be printed in your newspaper. We are always complaining about how are taxes are being spent. We also complain about our public servants not doing a very good job. I am here to brag on the outstanding response to a recent house fire.

I was driving home from work on June 6, 2002, when the radio announced that there was a structural fire in the 900 block of Hughes Drive, in St. Albans. Of course I never dreamed it would be our house. I was supposed to meet my husband for dinner in South Charleston. A lot of friends tracked us down, and contacted my husband by cell phone, and told us it was our house on fire. So we both raced home from different directions. I got there first. When I pulled up, someone immediately told me the fire was already out.

We have so much to be thankful for even though the fire did a lot of damage. We are thankful for the little boy that was visiting his Grandmother. He was outside playing and went in to tell his grandmother that someone had a big fire coming out of their chimney. Thanks to the grandmother who went to check, and immediately called the fire department. She said she was amazed at how quick the firemen got there. She said she just hung up the phone, and looked and they were coming up the hill to our house. She called at 4:11 pm. And they arrived at 4:13. Since we do not live that close to the fire department, we were amazed too. Both St. Albans fire department, police department, and Nitro police department responded to the call, along with volunteer firemen. What a great way to utilize two small fire departments to help each other out. Who ever thought that up..was sure thinking of how to get more out of a tax dollar.

The fire chief of St. Albans, Steve Parson took the initiative to apply for a $17,000.00 grant to purchase a thermal imagining camera. These camera's can locate the source of the fire, thus saving valuable minutes locating the fire source. Many larger cities do not have these cameras. I sure am glad St. Albans does. The fire department does not forget you after the fire is out. The next day Chief Parsons came to see how we were going, and if he could help in anyway, or if we had any questions.

Later we were getting some dinner at a local restaurant, when our neighbor called on the cell phone. She said the fire department chaplain was at the house. We said we were sorry that we missed him. A few minutes latter, we looked up from our pizza and in walked Chaplain Michael Jarrett. That is the first time I cried. He said he just wanted to check on us himself. I cried because of all the kindness we had been shown from so many people.

I just wanted everyone to know of the fine fire departments we have in St. Albans, and Nitro. Also the great volunteers. We also have a wonderful police department, and if my eyes did not deceive me, there was one police officer, that was putting on his fire gear to help put out the fire. We had such out pouring of love and kindness. People offered their homes to stay in, food, money, help to do any chores etc. Thanks to everyone that did something to make this time easier for us. We will never forget you.

U.G. and Kathy Young
911 Hughes Drive
St. Albans, WV 25177

c/o Mayor Richard Milam
Mayor Rusty Casto

CITY OF NITRO

COUNCIL MEETING MINTUES

AUGUST 6, 2002

Mayor Casto welcomed everyone and called the Council Meeting to order at 7:30 p. m. in the new pavilion beside the new handicapped playground. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy 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.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

THE PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN HARRY MILLER, III.

Mayor Casto asked Chief Jordan and Director of Public Works Alex Hill to please come up front. Mayor Casto informed that about one month ago Jack Jordan and the police department broke ground on the pavilion. Chief Jordan, Alex Hill and his men along with the Fire Department built our pavilion. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED CHIEF JACK JORDAN AND DIRECTOR ALEX HILL CUT THE RIBBON. They received a big round of applause. Mayor Casto thanked everyone for all their help.

Charlton Jordan sang the NATIONAL ANTHEM. He received a big round of applause.

AGENDA ITEM NO. 1 – APPROVAL OF 7-16-02 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED FOR THE APPROVAL OF THE JULY 16, 2002 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Mayor Casto recognized the Nitro swim team, the "Electric Eels". They received a big round of applause. They were presented a trophy.

Mayor Casto said he wanted to recognize a young man who has volunteered for work at the pool all year and presented him with a key to the City, Michael Lynch, Eve Frazier's grandson. He also received a big round of applause.

Mayor Casto announced Robin Smith, August Citizen of the Month. She received a big round of applause. She spent countless hours on the homecoming, and also countless hours on raising money last October for the New York fire and policemen fund.

She worked in getting materials for the pavilion and keeping the police department and Judge Wood in line. Councilman A. A. "Joe" Savilla said she was a tireless worker that is accommodating to anyone that calls and asks her for anything and we certainly appreciate her.

AGENDA ITEM NO. 2 – RAILROAD CROSSING: - Mayor Casto announced that August 19, the bids will be finalized on the upgrade of the Railroad Crossing. He informed that probably within a month the work will begin on the 19th Street Railroad Crossing. Mayor Casto said he has been pushing for this improvement since July, 1996. When the works actually starts the police and fire departments will be notified.

AGENDA ITEM NO. 3 – FRUTH PHARMACY: - Mayor Casto yielded the floor to the Building Inspector Bryan Casto. Mr. Casto reported on the regulations for Fruth Pharmacy drive-up window. COPY ATTACHED. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE GO WITH THIS FOR 90 DAYS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: - Mayor Casto yielded the floor to City Attorney April Robertson. April Robertson advised we had first reading on an ordinance to establish regulations of exotic entertainment within the municipal limits at the last meeting. COUNCILMAN HARRY MILLER, III MOVED WE READ TITLE ONLY OF ORDINANCE, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Mayor Casto read title of ordinance, "Ordinance to repeal, amend and reenact Article 1335 of the codified ordinances of the City of Nitro, West Virginia, to establish regulations of exotic entertainment within the municipal limits." Mayor Casto read ordinance and COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE 02-05 ATTACHED.

City Attorney April Robertson advised that the other ordinance pertained to the abandonment of Dupont Lane that Mr. Burgess is interested in acquiring from the City. She said she spoke with Mr. Burgess this evening and told him that the survey work was underway but had not been completed. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TITLE ONLY BE READ, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Mayor Casto read title, "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 DuPont Lane in the City of Nitro, Kanawha County, West Virginia, which right-of-way is depicted on that certain plat attached hereto and marked as "Exhibit No. 1," and reserving sewer easements for the City of Nitro, West Virginia. COUNCILMAN DAVID MILLER MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III.

ORDINANCE 02-06 ATTACHED.

City Attorney April Robertson said she was asked to bring before Council an ordinance prohibiting city employees that are firefighters from working for other entities either in a paid or voluntary capacity where they would be doing firefighting or related duties. The purpose behind this is felt the folks that would be out doing these kinds of activities beyond the scope of their employment with the City would be exposed to an increased number of hazardous situations with the potential of having increased accidents and illnesses related to this type of work. Also, the City is ultimately financially responsible for any disability that would arise from these accidents. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THAT THE TITLE ONLY BE READ, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Councilman David Miller read title, " An ordinance to prohibit employees of the Nitro Fire Department from performing fire fighting or related duties for any other municipality, private corporation or volunteer fire/rescue entity". COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE ORDINANCE ON FIRST READING, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

City Attorney April Robertson said there was a gentleman at the last Council Meeting asking about having a 5K run within the city limits and she didn't find any legal reason he couldn't conduct one, but she would like to have a discussion with him and asked Mayor Casto to have Mr. King call her.

Attorney April Robertson said she received a freedom of information request from the WV Advocate Group which is kind of a "watch dog" group that looks into City's compliance with the American Disabilities Act. She said she was in the process of responding to that request. She said she would be working with the Mayor, Bryan Casto and A. J. Hill to see that the City's plan is in place and implemented.

AGENDA ITEM NO. 5 – RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said he didn't really have anything, but he gave members of Council six or seven items they need to consider and they would bring them up at the next Council Meeting. Councilman Harry Miller, III mentioned that they might want to schedule a budget committee meeting to discuss the items in depth, and Mr. Allison agreed it might be worthwhile. A budget committee meeting was scheduled for Tuesday, August 13, 2002 at 7:30 p.m.

Mayor Casto asked Ralph Allison to please stand. Mayor Casto said in order to have a pavilion like the one we have, you have got to have workers to do it, but you have got to pay for what you bring in. It is under the leadership of our Treasurer Ralph Allison for the last six years that we have had the money to get some things in the City of Nitro. A big round of applause was given Mr. Allison.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: - Councilwoman at Large Brenda Tyler said, "Welcome to my playground. Isn't it beautiful?" She received a round of applause. She said she didn't think anyone had ever met her in the past year that

she hadn't told them about the playground, and now she said look at it because it is absolutely gorgeous. She explained that the reason for meeting here tonight is so all of Council could have the opportunity to look at the playground, look at the facility that they have built for our children and to honor those people who have worked so hard at doing manual labor in getting the pavilion built and the playground put together. She reported we also had a Nitro Homecoming, and when they started the homecoming a lot of people said they would go in the hole, a lot of people said you have got to quit spending city money and she wanted everyone to know that they haven't spent any City money. Not a dime of the City's money has been spent for anything. This playground , this pavilion, the sidewalk, the pavement and parking have been paid for by donations. It did not come out of our pockets. It came out of the pockets of the Kanawha County Commission, Dow Chemical, the Dog Track, Nitro Moose Lodge, Barry Kemmerer from Precision Pump and different folks. Also, we have had businesses that have donated us food so we wouldn't have an expense when we did our homecoming. These people live in Nitro and have their businesses in Nitro and they love their city and wanted to help. The donations came in and it didn't cost us anything. So, Councilwoman Tyler said if anybody, anybody tells you we are spending city money, send them to see her. She said the City didn't have that kind of money yet, but when we get the money, it will be spent for things like this. It will be spent for our children, for our elderly people and everybody in town. She said we are going to have a town that everyone can be proud of. She said she wanted everyone to know that Mr. Allison didn't have the final report on the Homecoming yet. She said as of right now, they haven't made the final decision as to whether they are going to sell the car or auction it off, but the profit on that car (clear profit) donated by another person in Nitro at Crown Pontiac. He told them to make as much money off of the car as they could. This amount of money will be at least $8,000 and it hasn't come in yet. Councilwoman Tyler reported that as of right now we have paid our bills, paid for the bands that were here and this was done by a matching grant, but we have cleared roughly $5,000 and this doesn't count the $8,000 coming in from the car. Councilwoman Tyler reported that the homecoming started off with a fishing tournament at Ridenour Lake on Friday night. All day Saturday, they had events on 21st Street and all day Sunday they had a gospel sing at the park. Councilman Bobby Smith did not miss one minute; he was there from the time it opened until the time it closed. She thanked Councilman Smith for supporting his City. She said there was a lot of people involved in the Homecoming and said for those present this evening that picked up trash, set-up a table or made a hotdog, she asked that they stand. These people worked for hours. Whenever this Homecoming started on Friday, a lot of them didn't get back in bed until after midnight on Sunday night. They put in lots of hours but it paid off. Whenever you have something like that you must have somebody in charge.

You've got to have somebody to motivate, somebody that keeps you going and that person is none other than Debbie Jordan. Debbie received a big round of applause. Councilwoman Tyler said you've got the real go-getter here, the people that grooms and says now get out there and you do it. Now you must have another person that makes telephone calls. Another person says I need you to give me this; I need you to give me that and that person is none other than Robin Smith. Robin received a big round of applause. Councilwoman Tyler thanked the ladies and all who helped and presented Debbie and Robin with flowers. Councilwoman Tyler said the men put in all the extra

touches. The ceiling fans being a ball, glove and a bat was their idea. The sidewalks with the different colors were also their idea. This was done by labor of love, love for the children of Nitro and she thanked them from the bottom of her heart.

Mayor Casto informed Mark Sanders that he was going to be the September Citizen of the Month. Mark did all the wiring and worked countless hours on the Homecoming as well. He received a big round of applause.

Mayor Casto called on Chief Jordan to inform of their plans on the Haunted Trail at Ridenour Lake. Chief Jordan and A. J. Hill along with Art Casto, Chief Jordan's brother-in law had a discussion with the Mayor regarding a haunted trail. Chief Jordan said the Kanawha County Parks puts on a haunted trail which is a fundraiser for them. They raise $40,000 to $50,000 a year having a haunted trail. They are planning to have a haunted trail and use it as a fundraiser also.

Mayor Casto thanked Councilman Bobby Smith and Mrs. Smith for putting the finishing touches on the shelter today.

Councilman David Miller said in talking with Councilwoman at Large Brenda Tyler he would like to establish a Committee of citizens, Council and business to look at revitalizing the downtown area. He wanted to be able to apply for grants to improve our downtown. He said he had a citizen by the name of Fred Hill that would co-chair and would like to get the ball rolling. COUNCILMAN DAVID MILLER MOVED WE ESTABLISH A RENAISSANCE COMMITTEE, WHICH THEY WILL NAME LATER, FOR REVITALIZATION OF THE DOWNTOWN AREA, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

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

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

Regulations for Fruth Pharmacy drive-up window

Aug. 6, 2002

Attention: Nitro City Council

Re: Fruth drive-up window in alley between 20th and 21st Streets.

The alley where the window will be located will be one way with traffic entering from 21st Street. There will be directional signs posted by the city.

A sign must be posted by Fruth at the pick-up window stating that the window will be used for dropping off or picking up of prescription drugs only. There will be a 5 minute time limit.

This approval is provisional for a period of 90 days after the window is installed to determine if any traffic problems develop. Fruth Pharmacy will accept the responsibility to keep the traffic flowing by informing their customers of the time limit. They recognize that the alley is primarily for delivery trucks and that this window cannot impede their use of the alley.

Submitted by: Bryan C. Casto, Building Inspector
Jack Jordan, Chief of Police

ORDINANCE 02- 05

ORDINANCE TO REPEAL, AMEND, AND REENACT ARTICLE 1335 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, TO ESTABLISH REGULATIONS OF EXOTIC ENTERTAINMENT WITHIN THE MUNICIPAL LIMITS.

SECTION 1335.01 PURPOSE.

In accordance with the provisions of West Virginia Code § 8-12-5, it is desirable and necessary to regulate businesses offering exotic entertainment and to promote the safety and general welfare of the residents of Nitro, West Virginia, by establishing reasonable and uniform regulations controlling businesses offering exotic entertainment within the municipal limits.

The Nitro City Council is concerned that businesses offering exotic entertainment may increase crime and decrease property values in areas of their operation and city residents have expressed their concerns about the adverse impact these types of businesses will have on the value on their property, their retail trade, and the quality of life in the City of Nitro.

It is recognized that businesses offering exotic entertainment, due to their nature, have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby downgrading the quality of life in the adjacent area.

The Nitro City Council desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the residents; protect the residents from increased crime; preserve the quality of life; and preserve the property values and character of surrounding neighborhoods.

It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment but to enact a content neutral ordinance that addresses the secondary effects of businesses offering exotic entertainment. Nor is it the intent of the Nitro City Council to condone or legitimize the distribution of obscene materials. The Council recognizes that state and federal laws prohibit the distribution of obscene materials and expects and encourages state, county, and city law enforcement officials to enforce statutes against any such illegal activities in the city.

SECTION 1335.02 DEFINITIONS.

Adult Arcade – any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at

any one time, and where the images so displayed are distinguished or characterized as exotic entertainment.

Adult Bookstore, Adult Novelty Store, or Adult Video Store – a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration, any one or more of the following: (a) books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized as exotic entertainment or (b) instruments, devices or paraphernalia which are designed for use in connection with exotic entertainment. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing exotic entertainment and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized as exotic entertainment.

Adult Cabaret – a nightclub, bar, restaurant or similar commercial establishment which regularly features (a) persons who appear in a state of nudity or semi-nudity; (b) live performances which are characterized as exotic entertainment; (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized as exotic entertainment.

Adult Motion Picture Theatre – a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized as exotic entertainment.

Adult Theatre – a theatre, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized as exotic entertainment.

Employee – a person who performs any service on the premises of an exotic entertainment business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Establishment – includes (a) the opening or commencement of any exotic entertainment business as a new business; (b) the conversion of an existing business, whether or not an exotic entertainment business, to any exotic entertainment business; (c) the addition of any exotic entertainment business to any other existing exotic entertainment business; or (d) the relocation of any exotic entertainment business.

Exotic Entertainment – live entertainment, dancing or other services conducted by persons while nude or semi-nude in a commercial setting or for profit. Semi-nude means the appearance of (a) the female breast below a horizontal line across the top of the areola at its highest point,

including the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed, in whole or in part; (b) a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva, with less than a fully opaque covering, (c) a human male genital in a discernibly turgid state even if completely and opaquely covered.

Licensee – a person in whose name a license to operate an exotic entertainment business has been issued, as well as the individual, listed as an applicant on the application for a license and in the case of any employee, a person in whose name a license has been issued authorizing employment in an exotic entertainment business.

Person – an individual, proprietorship, partnership, corporation, association, or other legal entity.

Specified Criminal Activity – (a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or counties; (b) for which (1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; (2) less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later, date, if the conviction is of a felony offense; or (3) less than five years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination or misdemeanor offenses occurring within any 24-month period; (c) the fact that a conviction is being appealed shall have no effect on the disqualification of the application or a person residing with an applicant.

Substantial Enlargement – the increase in floor areas occupied by the business by more than twenty-five percent (25%) as the floor areas exist on the date this ordinance takes effect.

Transfer of Ownership or Control – (a) the sale, lease, or sub-lease of the exotic entertainment business; (b) the transfer of securities which constitute a controlling interest in the exotic entertainment business, whether by sale, exchange, or similar means; or (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the exotic entertainment business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION 1335.03 CLASSIFICATION.

Exotic entertainment businesses are classified as follows:

(1) adult arcades;
(2) adult bookstores, adult novelty stores, or adult video stores;

(3) adult motion picture theatres;
(4) adult cabarets; and
(5) adult theatres.

SECTION 1335.04 LOCATION OF EXOTIC ENTERTAINMENT BUSINESSES.

A person shall be guilty of a misdemeanor if that person operates, or causes to be operated, an exotic entertainment business *within 2,000 feet of*.

(1) a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
(2) a public or private education facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. The term schools includes the school grounds but does not include facilities used primarily for another purpose and only incidentally as a school.
(3) a public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, natural trails, pedestrian/bicycle paths, wilderness areas or other similar public land;
(4) the property line of a lot devoted to a residential use;
(5) a restaurant or entertainment business which is oriented primarily toward children or family entertainment;
(6) licensed premises which is licensed pursuant to the alcoholic beverage control regulations of the State of West Virginia; and
(7) hotel, motel, campground, or bed and breakfast.

A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of an exotic entertainment business within 2,000 feet of another exotic entertainment business.

A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one exotic entertainment business in the same building, structure or portion thereof or the increase of floor area of any exotic entertainment business in any building, structure, or portion thereof containing another exotic entertainment business.

For the purpose of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an exotic entertainment business is conducted, to the nearest property line of the premises of a use listed in Section III. Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

For purposes of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures, objects, or political boundaries, from the closest exterior wall of the structure in which each business is located.

An exotic entertainment business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the exotic entertainment business license, of a use listed in this section within 2,000 feet of the exotic entertainment business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or been revoked.

SECTION 1335.05 LICENSE REQUIRED.

It is unlawful for any person to operate an exotic entertainment business without a valid business license issued by the State of West Virginia. An application for a business license must be made on a form provided by the Secretary of State of West Virginia. If a person wishes to operate an exotic entertainment business, the person must sign the application for a license as applicant.

If a new building is required to house the exotic entertainment business, a building permit shall be required from the office of the Municipal Building Inspector.

License Fee. A $2,000.00 annual license fee renewable every July 1 and a $500.00 one time application fee.

Passed on first reading: JULY 16, 2002
Adopted on second reading. AUGUST 6, 2002

Mayor

City Recorder

ORDINANCE NO. 02-06

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 DuPONT LANE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1," AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

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

WHEREAS, First Avenue is shown on a certain plat of the City of Nitro, however, said street is in actuality commonly known as DuPont Lane; and

WHEREAS, abutting property owners to said DuPont Lane have requested that that portion of DuPont Lane which abuts their property be abandoned; and

WHEREAS a public hearing was held on June 25, 2002, for the purpose of discussing the abandonment of a portion of DuPont Lane at which public hearing no one objected; and

WHEREAS, on June 25, 2002, the Planning Commission for the City of Nitro approved the petitioners' request to abandon said portion of DuPont Lane; and

WHEREAS, on July 2, 2002, at a regularly called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of DuPont Lane and close that portion to public use and to convey said portion of DuPont Lane to the petitioning property owners.

NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion approximately 25 feet wide and 150 feet long of DuPont Lane from River Avenue to the water's edge of the Kanawha River, situate in the City of Nitro, Kanawha County, West Virginia, 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 DuPont Lane 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 No. 1" 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: JULY 16, 2002

Mayor, City of Nitro

Passed on second reading: AUGUST 6, 2002

Recorder, City of Nitro

CITY OF NITRO

COUNCIL MEETING MINUTES

AUGUST 20, 2002

Mayor Casto called the meeting to order at 7:30 p.m. in Council Chambers in the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller and Bobby Smith. Also present was City Treasurer Ralph Allison. Absent were Councilman Harry Miller, III and City Attorney April Robertson.

Councilwoman Tyler explained that Mayor Casto was distributing copies of a letter from Dr. Okey Harless. Dr. Harless received a letter from the Governor requesting that St. Paul's United Methodist Church hold a worship and prayer service on September 11, at noon. She said she mentioned this to Chief Jordan and he has notified all the officers.

Mayor Casto welcomed everyone.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF AUGUST 6, 2002 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE AUGUST 6, COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 2 –REPORT ON RAILROAD CROSSING: - Mayor Casto informed that the bids for the work on the railroad crossing were due in yesterday. Usually they award the contract in a timely fashion and he feels they will get started on this within the next two to three weeks. He said this is something that we have been pushing for since July 1, 1996. He started making telephone calls and writing letters. The railroad changed hands since this time, but he feels we will get this done. Mayor Casto said Councilman Joe Savilla visited them a couple of months ago and urged them to get this done.

Mayor Casto shared a book from Kemron of the proposed scheduled clean-up of the Smith Street Landfill. He said they are welcome to read the book. We will need to get a signed release allowing them to go on the property of all of the adjoining property owners to see if there are any hazardous waste in their backyard. Mayor Casto said instead of going to each individual homeowner, he wanted to call a meeting next week to

ask any questions they may have. Also the State and Kemron will be present to answer questions. Mayor Casto said he caught one mistake on the deed.

AGENDA ITEM NO. 3 – APRIL ROBERTSON: - Chief Ernie Hedrick reported the City Attorney was on vacation.

AGENDA ITEM NO. 4 – RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said as Council will recall, we budgeted $5,000 for the senior citizen's center and they have requested their money. He will write their check tomorrow.

AGENDA ITEM NO. 5 – MAYOR'S COMMENTS: - Mayor Casto reported that Dewey Mann, a resident of 21st Street in Nitro, was in the 142nd Infantry, 36 Division which served in North Africa, Italy, France and Germany from the 9th of September 1943 through the 8th of May, 1945. He lost 99 men in the division. He wrote a letter to all the survivors and family members and sold 99 bricks for the playground. The Mayor said that Mr. Mann was named Citizen of the Month when they were sworn in, but he said he is going to do something else for Mr. Mann when they dedicate the bricks.

Mayor Casto said he received a telephone call this afternoon from an attorney in Charleston and we have to get started on the curbs between 4th Street and 40th Street on First and Second Avenue. Mayor Casto asked A. J. Hill, Director of Public Works how many men he would need and he answered two part-time men, and that it would probably take them two months. Mr. Allison said that in his discussion with Mayor Casto they came up with $5,000 to pay the wages of the two part-time men. Mr. Allison said if it could be done in two months he would be tickled. Mayor Casto said the attorney that called him was the attorney for the wheelchair people and he was very much impressed with the playground. He is coming down Wednesday to look at the playground and he will advise him of the water park that they are going to build. Chief Jordan asked Mayor Casto if Ms Smith briefed him on her phone call regarding the grant, and Mayor Casto said he understood we are between grants on this. Mayor Casto responded that we must start a good-faith effort on the curbs immediately. COUNCILMAN DAVID MILLER MOVED WE HIRE TWO PART-TIME WORKERS TO BEGIN WORKING ON THE WHEELCHAIR RAMPS, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. After a discussion, it was decided that the $5,000 would be for salaries only. COUNCILMAN DAVID MILLER MOVED TO AMEND HIS MOTION TO STATE THAT THE $5,000 WOULD BE FOR SALARIES TO TAKE THEM AS FAR AS IT WOULD GET THEM, AS DID COUNCILMAN A. A."JOE" SAVILLA WHO AMENDED HIS SECOND. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

Councilman David Miller mentioned the fire hydrant on 10th Street, and that it hasn't been taken care of. The City Attorney April Robertson told him to remind her if it wasn't taken care of.

Councilman David Miller said we didn't have hardly any rain for the past 2 months and then we got two months of rain in two hours. He said the black mat at the playground came up, and we need to install some additional drains.

Councilman A. A. "Joe" Savilla said he wanted to thank all the people who worked on getting everything ready for the outdoor Council Meeting at the new shelter. He asked who donated the food, and Chief Jordan answered that Andre donated a lot of the food.

Councilman David Miller said when we had the big storm that both of the generators did their job. All the departments worked well together to get all the trees that were down and the emergency calls. It went real well.

Councilman at Large Richard Savilla informed that he called DNR to come down and look at our lake clarity problem, and asked who talked with them when they were here. Director of Public Works A. J. Hill answered that they are working on some things right now. He said they are scheduled to meet with DNR next week.

Councilwoman at Large Brenda Tyler said that last week when they had a planning session, Chief Jack Jordan and A. J. Hill wanted to cut a road around the Lake with something around a $10,000 figure. They were planning to put up lights and do some things this year to raise the money. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE GO AHEAD AND GRANT THEM PERMISSION TO DO THE WORK AT THE LAKE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. Mayor Casto asked if they wanted him to take the money out of the playground fund. City Treasurer Ralph Allison said the Chief and A. J. are of the opinion they will make $10,000 from the haunted trail. A VOTE WAS TAKEN AND IT WAS UNANIMOUS.

Councilwoman at Large Brenda Tyler commented that the playground is still getting attention. On Channel 13 news this evening they did a story on Wednesday's child and they featured children that are up for adoption. They brought them over to the playground and let them play and Channel 13 filmed them. Also, we had a Union Carbide retiree that expressed a lot of interest in the playground and that he would be sending us a check and that he would get the retirees involved in the additional projects we want to do for the children's park. She thanked the guys again for all their work.

Mayor Casto was concerned about getting the small drop off area of gravel road paved at the playground. He said he had enough money from his bus trips to pay for it.

There being no further business, COUNCILMAN DAVID MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

SEPTEMBER 3, 2002

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

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "Joe" SAVILLA.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 8-20-02 COUNCIL MEETING MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE COUNCIL MEETING MINUTES OF AUGUST 20, 2002 BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: - Mayor Casto announced the September citizen of the month, Mark Sanders, at the last Council Meeting. He couldn't be here this evening, but he would try and make it to the next meeting.

AGENDA ITEM NO. 3 – RES. 02-08 SMALL CITIES BLOCK GRANT: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan introduced a resolution authorizing the submission of a Small Cities Community Development Block Grant Application for the City of Nitro that we have been asked to approve. She advised that is pursuant to the survey that was previously made, and involves streets from 24th to 40th. CITY RECORDER JOAN MCCLANAHAN MOVED WE ADOPT THE RESOLUTION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto said we might be able to get Michigan Avenue included with this.

RESOLUTION 02-08 ATTACHED

AGENDA ITEM NO. 4 – REPORT ON MOSQUITOES: - Mayor Casto yielded the floor to Councilman Bobby Smith. Councilman Smith said there is backwater where he lives and there are mosquitoes by the bucket loads. He said he called DNR, but was told he should call the agricultural department. He spoke with Terry Carrington and was told that he would be glad to come down and speak on the mosquito situation. Mr. Carrington advised that if Council authorized him, he would access the problem and come down and spray. COUNCILMAN BOBBY SMITH MOVED WE ASK MR.

TERRY CARRINGTON TO COME DOWN AND ACCESS THE WET LAND, AREAS AROUND THE LAKE AND ALONG THE RIVERS AND CREEKS IN THE CITY, SECONDED BY COUNCILMAN HARRY MILLER, III. Mayor Casto suggested Chief Jordan and Alex Hill go along with Mr. Carrington. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED. Councilwoman at Large Brenda Tyler said she knew the area they were speaking of, and they had a terrible rat problem. Councilman Bobby Smith said they have a terrible rat problem, and he talked with the Health Department and there is nothing we can do about this. Councilman Harry Miller, III said that during Ashley's administration, there was a permit issued to put yard waste, tree branches and this sort of things in this area. If the permit is still valid, we may be able to dump things and take care of some of the standing water.

AGENDA ITEM NO. 5 – NITRO HIGH SCHOOL HOMECOMING PARADE:- Mayor Casto yielded the floor to Councilman at Large Timothy Sizemore. Councilman Sizemore read request from the parade coordinator for permission to hold a parade October 11, 2002. The parade route as follows: The parade would line up between 5:30 and 5:45 p.m. on the Nitro High School Parking Lot. All bands would assemble on the High School Parking Lot and would be inserted in as the parade proceeds. All other units of the parade are to park in front of their designated numbers. The parade route will be Park Avenue to Plant Road, turn left on 1st Avenue, turn right on 21st Street, turn right on 2nd Avenue, turn right on 11th Street, and down Park Avenue to Underwood Field. The parade would dissemble at the Nitro High School Park Lot. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED A PARADE PERMIT BE GRANTED, SECONDED BY COUNCILMAN HARRY MILLER, III. Mayor Casto said all members of Council are invited to be there. A VOTE WAS TAKEN FOR THE APPROVAL OF THE PARADE PERMIT, AND IT WAS UNANIMOUS.

AGENDA ITEM NO. 6 - CALENDAR BIDS: - COUNCILMAN HARRY MILLER MOVED WE PUT THE 2003 CALENDAR OUT FOR BIDS, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 7 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson who reported she spoke with the City Engineer today to check on the status of a couple of things. First being the abandonment request of Mr. Burgess.

Ms Robertson said she was contacted by Bryan Casto today and talked to the City Engineer as well about a 20 acre parcel of land around Ridenour Lake that the City believed had been annexed by the City back when that area was annexed. She said she didn't know the exact year, but it was still retained by Kanawha County. The engineer is doing some survey work and the field work has been done. She is working with the Kanawha County Commission to have this done by minor boundary adjustments. The City limit line runs in the very back of it. The City Attorney informed that she would get this on the Kanawha County Commission agenda.

Councilman David Miller asked that the ordinance of the Fire Department be brought up for the first reading. COUNCILMAN DAVID MILLER MOVED THAT TITLE ONLY BE READ, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Councilman David Miller read title, "An ordinance to prohibit employees of the Nitro Fire Department, from Performing Fire Fighting Duties for any Other Municipality, Private Corporation, or Volunteer Fire/Rescue Entity." COUNCILMAN DAVID MILLER MOVED WE ACCEPT ORDINANCE ON THE FIRST READING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: - Mayor Casto advised that Mr. Lewis from the Department of Highways called him today and within the next couple of weeks they will have a preconstruction meeting about the work at 19th Street and First Avenue. He said he would be invited to that meeting and he was going to take Chief Jordan with him because they will probably contract the Nitro Police Department to direct traffic while the construction is going on. Councilman at Large Tim Sizemore asked Mayor Casto to see in some of their configuration when they are laying this out from an engineering standpoint if they can't put walking signs on both sides to help people who are going back and forth. Mayor Casto said they already have the buttons on there for walking assistance.

Mayor Casto informed that last Tuesday night they had a meeting with the property owners near the Smith Street Landfill and they signed an easement to go on their property and Kemron was going to do a perimeter geophysical survey of the area next week. Mayor Casto thanked Councilman at Large Tim Sizemore and Councilman Bobby Smith for their help at the meeting Tuesday. A. J. Hill's department will mow the grass at the Smith Street Landfill and they will put in gravel for parking. Mayor Casto informed that the people administering this fund are having a seminar in Clarksburg Tuesday September 17, and adjourns Wednesday morning. Registration fee is $40.00 to attend. Mayor Casto said he wouldn't be able to attend the Council Meeting if he went to the seminar or we could move Council to Monday night. COUNCILMAN HARRY MILLER, III MOVED WE CHANGE THE NEXT COUNCIL MEETING TO MONDAY, SEPTEMBER 16, 2002, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED..

Councilman Harry Miller said he would like for the City Attorney April Robertson to rattle some body's cage on the 10th Street hydrant.

Councilman at Large Timothy Sizemore mentioned Councilman David Miller said we needed to schedule a planning session meeting, and we need to try and schedule this now because there are some things coming up that we need to work on now so we can hopefully work toward the budget that will come up in January and February, 2003. He suggested everyone get some ideas and they might be able to schedule a date on September 16.

Councilwoman at Large Brenda Tyler said at the last Planning Session they discussed having a meeting with department heads, and asked if Council had thought anymore about this. Councilman Harry Miller, III said we might want to wait until we get more financial knowledge. Councilman Joe Savilla said it would be a good idea to have them present at our Planning Session Meeting and get their input. Mayor Casto said we should know by the next meeting how much our property tax is.

City Recorder Joan McClanahan said the Northeast Regional BMX race was held in Nitro in May, and there is a very nice article in a National Magazine which is very complimentary about the town, about the track, and about the people in Nitro. The Nitro track won first place in the banner contest nationwide. The City was well represented. Councilman Harry Miller, III said people came here from New York.

COPY OF ARTICLE ATTACHED.

Councilwoman at Large Brenda Tyler advised that since the water fountains are in at the playground, the State will advertise the playground on the signs on the Interstate.

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

RUSTY CASTO, MAYOR

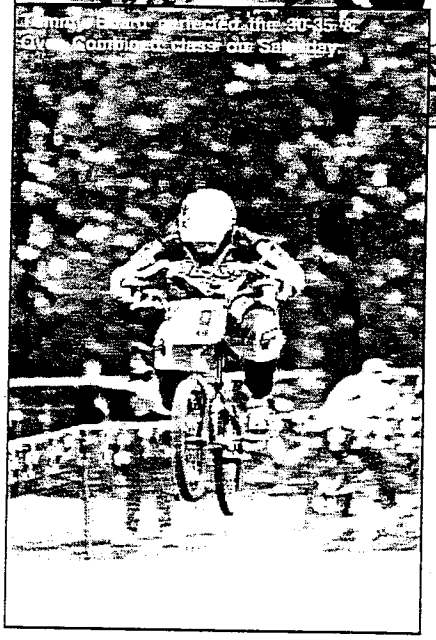
JOAN MCCLANAHAN, RECORDER

NORTHEAST REGIONAL

NITRO WEST VIRGINIA NITRO-KANAWHA VALLEY BMX

Story: Dave Cecil MAY 18-19, 2002 Photos: Ferrari Photography

[illegible] Chad Stefnakos (712), and the rest of the gang takes a practice run.



[illegible] competitive class on Saturday.

WOW! The phrase is true! West Virginia was the scene of one of the best Northeast Regional held this year. If you passed this one up, you missed a great event, great track, some of the best hospitality this writer has seen and with it ...some tough competition. The event was hosted by an awesome BMX facility in the Northeast, Nitro-Kanawha Valley BMX track. The track is located in Nitro, West Virginia just outside of the state capital of Charleston. Track

crew of volunteers worked hard against the perils of "MOM" Nature to pull off a great event. The volunteers and the riders from the Midwest and Northeast joined forces to help ready the track overcoming the wet conditions.

A little history: Nitro thrives from the chemical industry along the Kanawha River. The populace mostly supports the industry and travel to local plants or work in the capital city, Charleston. A picturesque town and country, Nitro affords the genuine hospitality that puts any visitor in the comfort zone. Although a visitor, this writer felt right at home; the folks were very kind and friendly. It's a great place to enjoy BMX, with that "home track" feeling.

The track is located in the Nitro West Virginia's Central Park and is poised on the banks of the Kanawha River, which provides a major tributary for commercial transportation to other major rivers in the Midwest including direct access to the mighty Mississippi. During the river traffic going by and an occasional salute and wave from the rivermen on the barge tugs. No doubt they could hear the shrills of the winners and the cheers of the even more happy crowd. The track was built by NBL's Tom Ritz and is almost a year old. The new crew at Nitro is eager to bring the best to NBL and no doubt they sure got our attention with the success of this Regional. Mr. Ernie Smith, the State Commissioner, was on hand to provide his BMX wisdom to the event. Ernie has been one of the major catalysts in the BMX program in West Virginia. The state now has two NBL sanctioned BMX tracks, one in Romney and this Nitro track. In the near future, a new track will be added in Fairmont, West Virginia. Ground breaking for the new track is scheduled for this year bringing the WVA total to three BMX tracks.

Although an absolute torrential downpour happened the night before the Regional, Huffman's crew was on the track at day break pulling off plastic and making the track race-ready. The crew worked into the late morning overcoming the mud and the muck to start practice at 11:00 reality! NBL Referee and Field Director Dave Murray and his wife Lori were on-hand for the guidance. Thanks to the NBL office folks for jumping in to help. First out to practice were the older and more seasoned riders. They rode the track to help in packing and drying the surface that was still a little wet from the deluge of rain the night before. Practice went well. Then, the track was deemed safe enough for the younger crowd and they were on the track for the next practice set. Practice went until

Jessi Sox took home second for the weekend.

Jessica Baker (2) took some third in the Girls and Ladies Combined cruiser class.

Jason Smith (19) and Chris Hunker (133) finished in 21-29 Combined Expert. Smith went home with the win.

30p.m. to take advantage of drying e track by riding it more. At 1:30, e track's maintenance crew, cluding Track President JR Smith, ntinued to pack and dry the surface. ce time was 2:00 PM with 58 otos and 50 mains. We had dodged e bullet again! (kind of common for rtheast Regionals). Day one of s, the third in a five part series of gional Events for the Northeast, shed on time for the sun to set to happiness of all the hard working unteers. As we left the track, ny were checking the weather orts for the forecast to determine odds for day two. The weather essers had stacked the odds inst us by the reports.

Day two racing started on time. M Nature had smiled upon our d work and we had a dry evening dry night. Day two found some riders showing up to get practice nd it became pretty obvious, ough it had not rained, that we have to install fog lights on the s. So now the major problem the foggy conditions which made ext to impossible to see the nber plates from the tower. It like they went into the fog bank rn one and not knowing what on was going on till the riders e out of the fog bank towards the er. At that point, you could figure he numberplate on the bike and had moved into first place in the ank. Within a half-hour, the sun out and the fog went away.

classes provided some great action as the young riders did battle. Highlights and some of the toughest won Rookie battles were between Dylan Cantley and Ian Marchionda in 9 Rookie class with Marchionda taking the perfect score with Cantley on his back side in every moto. The 10 Rookies Bijan Dastghieb and Brandon Smith went head to head all day and the final decision came in the main with Dastghieb on top at the line. 11 Rookies found Nick Bare in the top spot in the main with Robert Gentle winning the 12 Rookie main. Karl Wood stood off Matt Boller and Mike Ellenberger to win the main in 14 Rookie. Jared Loudermilk and Virginia's Cameron Sneed in 15 Rookies went to the main finish line with a 1-2 finish. The Novices were heating up the wet track as well. McCartney and Taintor in 6 Novice screamed through the main finishing one and two. Evan Meyer took the 7 Novice main. The hometown favorite Shay Huffman was awesome in his 8 Novice class. He worked over Kenny Mitchell, the "Bird" from the NC state. "Bird" and Huffman were back and forth, but Huffman made the best moves on the home track and the "Bird" had to settle for seconds. Ryan Davidson was the top 9 Novice with a main win. Weigers, Calhoun and Patton in 10 Novice were doing that Novice stuff, but the right stuff put Weigers on top in the class swapped positions all day to finish the day with Zell taking the top spot. Lykins and Boling strolled in 1-2 during the 12 Novice main. Denver Lyons and Travis Johnson, two fast Virginia 13 Novices were back and forth, Lyons got the flag at the finish line in the main. Bryan White, Winston Parrish, and Tom Lilly won the 14, 15 and 16 Novice class. The older Novices were lead by Charles Shanks to the line.

In the Expert class, these guys were taking no prisoners, nothing short of a small war was on hand. W-4 Justin Posey (Wooden Wheels) and XsportsPix Hack Hines were on fire in 8 Expert; Posey takes the one spot. Denny and Chase Hines swapped with Theaker with Hines being the top dog at the main finish line. Dolan and Lloyd were dueling it out with Lloyd finishing on top in the 10 Expert main. It was hard to call the 11 Expert stats. Jamieson, Richie, Weimer and Knapper all rode great, and it was the final few seconds of the Main to determine who was the best for the day. Jamieson brought it in at the last second to put it away. In 12 Expert action, Pacelli was the number one main finisher, Jason Jewell was hot with a perfect score to ace his 13 Expert class. Upshaw and Greathouse (Profile Racing) were close with Upshaw leading the charge, Upshaw took a straight win, leaving Greathouse a two spot all day. The 15 Experts were the fastest with Graddick, Rothrock and Cecil moving around the track at high speed. They traded positions with Graddick being the main event winner at the end of the day. Zakk Heaps and Robert Hinson were hot in 17 Expert with Heaps taking the win. Tommy Board declared his victory over the seasoned Exert class with a clear victory and a perfect score.

Girls classes were an awesome show of fast competition. Jessica Baker was the top rider in 8-10 Girls class with Steinbacher and Peake in the 11-13 Girls class doing battle to the end with Steinbacker taking the number one notch at the line.

Cruiser action was just as awesome with Posey on the 8 Cruiser winning the Young Guy Cruiser class with a perfect score. Calvin Denny won the 10-11 Cruiser class. Robert Pacelli aced the 12 Cruiser class. Bo Seamon the champ in 13-14 Cruiser, Hinson Wagner and Tony Hines all took the top spot in their classes. Girl Cruisers found Anna Peake in the lead spot for the win at the main.

Day two was foggy in the morning, but racing was underway. Rookies continued to bring the hometown crowd to a roar as Smith and Arthur in 6 Rookies finished with Arthur again taking the main for the second day. Tyler Roy got a perfect in 7-8 Rookie followed by Dylan Cantley

Anna Peak was on a roll this weekend. She perfected both days.

Joshua Rinehart concentrates before his next race.

also doing the same in 9 Rookie. Smith and Dastghieb were on hand again except Audorff jumped in and stepped on Dastghieb to take the second spot in 10 Rookies main. Nick Bare, Robert Gentle, Kevin Rosinsky won 11, 12 and 13 Rookie classes. Wood and Boller provided some finger biting action in their motos and main. It was back and forth with Ellenberger getting in to make some great moves, but Karl Wood finished up in the number one spot in the main. Morrison and Sneed were at each other till the end with Morrison taking the win at the line.

There was lots of great action in the Novice class. We found Taintor, Meyer, Huffmann and Marchionda in the top positions in 6, 7, 8, and 9 Novice classes. Weigers, Fleshman and Lykins did the honors for the 10, 11, and 12 Novices. Travis Johnson came back hard to win the 13 Novice main against rival Denver Lyons. White, Parrish and CJ Davis were kicking up dust on a dry track (now) reeling in wins for 14, 15 and 16 Novice classes. Rick and Drozak win big in the 17 and over Novice and 30-34 Novice classes.

In hot Expert action, Roharik won 6-7 Expert class. Posey again tipped the scale with a perfect (phenomenon) in 8 Expert. Hines continued to dominate 9 Expert with Shawn Lloyd again in the top spot for the 10 Experts. Pacelli was on top with his straight win in 12 Expert, and Jason Jewell (this guy is good) cleaned house for the weekend in 13 Expert. Jeff Upshaw pretty much retained the "winning roll." He was on with another clean sweep against Greathouse in day two. In 15 Expert action, Graddick and Cecil were the top two at the finish line. Heaps and Powers won their 16-17 Expert and 18-20 Expert classes. Seasoned Experts find Jason Smith in the top spot with a perfect for day two.

Girls classes finds Jessica Baker in for the perfect score in her day two run taking the 8-10 girls class number one winnings home. Brittany Hoover in 13-15 Girls class won the main against a hard charging Jessi Sox.

Cruiser class in the young guy crowd found Chase Hines had some moves of his own against Posey. Posey had to settle for two at the finish line. Dolan and Jewell took the honors in their 10-11 Cruiser and 12-13 Cruiser mains. Greathouse really was on the step with a great win in the 14 Cruiser competition. Hinson and Wagner scored perfects in 17-18 Cruiser class and 25-30 Cruiser classes respectively. Again the HBR guy, Tony Hines, gets the win in old guy cruiser class. The Girls Cruiser class was scored with the top rider being Anna Peake with a perfect for her cruiser class Sunday afternoon.

During the Nitro Regional, many of the same familiar faces were seen doing the volunteering. This natural devotion by the best volunteers in BMX is always an inspiration. Many thanks go out to the "out of staters" who pitched in a helping hand: the North Carolina crew, the Pennsylvania crew, the New Jersey crew, the Virginia crew and the Ohio bunch. They were just great! Thanks goes out to Curry's Bike Shop (The BMX Connection) from Nitro for all the parts donations, Fat Daddy's for numberplate give-aways, and the great folks from RAC Racing Products. TB Trophies was on hand doing their usual magic; sweatshirts were a big seller. Photography and rider's pictures were produced and provided to the riders by the great folks at Ferrari Photography. Thanks to all the volunteers and the staff at Nitro-Kanawha Valley BMX.

There was some great BMX racing and a fast action; the racing action was the best. BMXers will always remember this one as a great Northeast Regional. All of the crowd and riders enjoyed the event. In summary, it was a great time; FUN was had by all that attended. Sure we would have liked to have great weather and sunny spring time conditions, but that didn't happen. Nevertheless, it proves that no matter what the odds are and no matter how messy the weather conditions are, NBL BMXers and a great core of volunteers will prevail and FUN can be had at any cost of hard labor. SUCCESS comes from FUN and we had FUN in Nitro! Don't miss the next major event in Nitro! Wild and Wonderful is the key to success!

NORTHEAST REGIONAL FINAL RESULTS

DAY ONE

7 EXPERT
1. BRANDON ROHARIK OH
2. BRANDON MAYS SC
3. SEAN SHALVOY NC

8 EXPERT
1. JUSTIN POSEY NC
2. HACK HINES SC

9 EXPERT
1. CHASE HINES SC
2. BRENDAN DENNY NC

10 EXPERT
1. SHAWN LLOYD NJ
2. MARK DOLAN PA
3. TAYLOR MC RORY PA

11 EXPERT
1. CALVIN DENNY NC
2. DOUGLAS RICHIE PA
3. CHRISTOPHER JAMIESON PA
4. JEREMY KNAPPER PA
5. JOSH WEIMER OH
6. BOBBY PUSHWA PA

12 EXPERT
1. ROBERT PACELLI PA
2. MAX EDEN KY
3. MICHAEL W FAYCHAK IV PA

13 EXPERT
1. JASON JEWELL OH
2. MICHAEL GREENFIELD MD

14 EXPERT
1. JEFFERY UPSHAW OH
2. WILLIAM GREATHOUSE PA
3. BRIAN MATULKA OH
4. BO SEAMON SC

15 EXPERT
1. THOMAS GRADDICK SC
2. MATTHEW CECIL VA
3. STEVEN ROTHROCK NC

17 EXPERT
1. ZAKK HEAPS PA
2. ROBERT HINSON NC
3. EDDIE BEATTY OH

18-20 EXPERT
1. CHAD POWERS VA
2. BRIAN CHELSTED PA

25-29 EXPERT
1. JASON SMITH WV
2. CHRIS HUNKER PA
3. GREG DAVIS OH
4. TIMOTHY ANDERSON PA
5. TOM WAGNER OH

9 & UNDER CRUISER
1. CHASE HINES SC
2. JUSTIN POSEY NC
3. HACK HINES SC
4. BRANDON MAYS SC

11 CRUISER
1. MARK DOLAN PA
2. JOSH WEIMER OH
3. LANELL ROCKMORE SC
4. BOBBY PUSHWA PA
5. COREY ZELL PA

13 CRUISER
1. ROBERT HINSON NC
2. HUNTER VOGAN PA
3. CHAD POWERS VA
4. CHRISTOPHER HARRIS NC

21-24 CRUISER
1. TOM WAGNER OH
2. MATT NICHOLSON IN
3. JASON RICK NC

30-34 CRUISER
1. TONY HINES SC
2. JOHN BAKER PA
3. DAVID TAYLOR NJ
4. ROBERT STEELE WV
5. COREY LENN WV

40-44 CRUISER
1. CHARLES SHANKS NC
2. VERNON BROWN NC

14-17 GIRLS CRUISER
1. ANNA PEAKE SC
2. JESSI SOX SC
3. JESSICA BAKER PA
4. MAGGIE EDEN KY

10 GIRLS
1. JESSICA BAKER PA
2. HOLLY THOMPSON KY
3. CHRISTINA HOPKINS IN

14 GIRLS
1. BRITTANY HOOVER SC
2. JESSI SOX SC
3. ANNA PEAKE SC
4. STEPHANI ESO NY

6 NOVICE
1. CODY TAINTOR NJ
2. CHASE SPURLING IN
3. NICHOLAS ESO NY

7 NOVICE
1. EVAN MEYER PA
2. BRADLY JENKINS OH
3. DAVID TAYLOR NJ

8 NOVICE
1. SHAY HUFFMAN WV
2. KENNY MITCHELL NC
3. BRANDON RIFFLE OH

9 NOVICE
1. IAN MARCHIONDA PA
2. RYAN DAVIDSON NC
3. ALEX MOSS NC
4. ZACHARY PITTAS PA

10 NOVICE
1. GARRETT WEIGERS PA
2. TYLER CALHOUN WV
3. BRODY MANKO PA
4. THOMAS ESO NY
5. CODY ZELL PA

11 NOVICE
1. CODY FLESHMAN NC
2. AUSTIN JONES NC
3. JASON DEES PA
4. COREY ZELL PA
5. CHARLES WINTERS NC

12 NOVICE
1. BOBBY LYKINS OH
2. DENVER LYONS VA
3. PHILLIP RAY PA

14 NOVICE
1. BRYAN WHITE NC
2. CHRISTOPHER MAREK NY

15 NOVICE
1. WINSTON PARRISH PA
2. CRAIG FLICKINGER OH

16 NOVICE
1. CHARLES DAVIS VA
2. JOHN ALEXANDER PA
3. CHRISSTOPHER HUCKABY WV

25-29 NOVICE
1. JASON RICK NC
2. CHRISTOPHER HARRIS NC

30-34 NOVICE
1. JAMES DROZAK PA
2. BRIAN CANTLEY WV
3. GLEN KNAPPER PA
4. JASON SCHIEFELBEIN OH
5. JON DWYER NC

35 & OVER NOVICE
1. CHRISTOPHER PATTON OH
2. CHARLES SHANKS NC
3. JASON THOMPSON KY

5 & UNDER ROOKIE
1. DYLAN FLINT WV
2. AUSTIN BOLES WV

6 ROOKIE
1. LUCAS ARTHUR OH
2. JON SMITH WV

8 ROOKIE
1. TYLER ROY WV
2. DEVIN GAGLIARDI PA

9 ROOKIE
1. DYLAN CANTLEY WV
2. ERIC WATERLOO NC

10 ROOKIE
1. BRANDON SMITH WV
2. SEAN AUDORFF WV
3. BIJAN DASTGHEIB WV
4. WESLEY ARTHUR OH

11 ROOKIE
1. NICHOLAS BARE WV
2. CARL BOARDWINE NC
3. ASHLEY BURGESS WV

12 ROOKIE
1. ROBERT KEVIN GENTLE NC
2. AMIR DASTGHEIB WV
3. JOSHUA HOPKINS IN
4. DERICK SUNDEEN WV
5. GREG FLEMING NC

13 ROOKIE
1. KEVIN ROSINSKY PA
2. JUSTIN MORGAN SC
3. KORY KNOUSE OH

14 ROOKIE
1. ROBERT WOOD VA
2. MATTHEW BOLLER VA
3. MICHAEL ELLENBERGER PA
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1. CODY FLESHMAN NC
2. AUSTIN JONES NC
3. JASON DEES PA
4. COREY ZELL PA
5. CHARLES WINTERS NC

12 NOVICE
1. BOBBY LYKINS OH
3. PHILLIP RAY PA

14 NOVICE
1. BRYAN WHITE NC
2. CHRISTOPHER MAREK NY

15 NOVICE
1. WINSTON PARRISH PA
2. CRAIG FLICKINGER OH

16 NOVICE
1. CHARLES DAVIS VA
2. JOHN ALEXANDER PA
3. CHRISSTOPHER HUCKABY WV

25-29 NOVICE
1. JASON RICK NC
2. CHRISTOPHER HARRIS NC

30-34 NOVICE
1. JAMES DROZAK PA
2. BRIAN CANTLEY WV
3. GLEN KNAPPER PA
4. JASON SCHIEFELBEIN OH
5. JON DWYER NC

35 & OVER NOVICE
1. CHRISTOPHER PATTON OH
2. CHARLES SHANKS NC
3. JASON THOMPSON KY

5 & UNDER ROOKIE
1. DYLAN FLINT WV
2. AUSTIN BOLES WV

6 ROOKIE
1. LUCAS ARTHUR OH
2. JON SMITH WV

8 ROOKIE
1. TYLER ROY WV
2. DEVIN GAGLIARDI PA

9 ROOKIE
1. DYLAN CANTLEY WV
2. ERIC WATERLOO NC

10 ROOKIE
1. BRANDON SMITH WV
2. SEAN AUDORFF WV
3. BIJAN DASTGHEIB WV
4. WESLEY ARTHUR OH

11 ROOKIE
1. NICHOLAS BARE WV
2. CARL BOARDWINE NC
3. ASHLEY BURGESS WV

12 ROOKIE
1. ROBERT KEVIN GENTLE NC
2. AMIR DASTGHEIB WV
3. JOSHUA HOPKINS IN
4. DERICK SUNDEEN WV
5. GREG FLEMING NC

13 ROOKIE
1. KEVIN ROSINSKY PA
2. JUSTIN MORGAN SC
3. KORY KNOUSE OH

14 ROOKIE
1. ROBERT WOOD VA
2. MATTHEW BOLLER VA
3. MICHAEL ELLENBERGER PA
4. JUSTIN FISHER WV

RESOLUTION 02-08

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

WHEREAS, the City of Nitro, West Virginia is aware of its need for street Paving; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Rusty Casto, Mayor of the City of Nitro, is hereby authorized by the City Council to sign all documents pertaining to the preparation of said application, and to submit the application to the WV Development Office for funding consideration.

This Resolution becomes effective as of this date. Passed this 3rd day of September, 2002.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

SEPTEMBER 16, 2002

Mayor Casto called the meeting to order in the Nitro Development Authority Board Room at 7:30 p.m. Council moved from the Council Chambers as Municipal Court was in session. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Timothy 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.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

AGENDA ITEM NO. 1 – APPROVAL OF SEPTEMBER 2, 2002 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF THE SEPTEMBER 2, 2002 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED.

AGENDA ITEM NO. 2 – HOMELAND SECURITY – CHIEF J. W. STEVENSON: - Mayor Casto yielded the floor to Chief J. W. Stevenson. Chief Stevenson said he was retired from the WV State Police and when he retired, the Mayor of Winfield requested that he start a police department, and during the past four years he has established a small police department in Winfield. The County Commission asked if he would head the Home Land Watch. Chief Stevenson thanked Council for allowing him to come to Council. He said they have requested audiences from all the town councils, and have received positive responses from all of them. He explained that homeland security is something that has come from the President down to each state. There are 34 counties that actually have a homeland security director. The State Police has a lead man that is suppose to be in charge statewide. Chief Stevenson said he was asked to be the volunteer Director from Putnam County. He distributed an application and activity sheet to members of Council. Chief Stevenson said they are looking for volunteers to be a part of the Home Land Watch, and are asking the cities to put this in their newsletter. Chief Stevenson said basically what it is going to involve is individuals that are willing to drive down the road while going to work or when they are going grocery shopping or sightseeing or they could go out routinely and watch over certain areas they feel could be a target for terriost attacks. Chief Stevenson said that since they started the Home Land Security they have had only one call of people taking pictures of the power plant. For some reason they think this is a nuclear power plant. The response from 911 was good and they appreciated the people calling to report the suspicious people taking photographs.

AGENDA ITEM NO. 3 – 19TH STREET RAILROAD CROSSING:- Mayor Casto reported he had a letter where there is going to be a preconstruction conference for our 19th Street Railroad Crossing improvement on September 24, 2002 at 10:00 a.m. They will be in the area of the bank and they will advise the date construction will begin, how long the tracks will be down, etc. They do want the Chief of Police there because we may have to hire some off-duty police officers to direct traffic. They also want the fire department there to advise them if the tracks will be shut down.

Mayor Casto said that on July 1, 1996 when he walked in City Hall he started on the Railroad Crossing project and the 31st Street Bridge.

Councilman at Large Timothy Sizemore and Councilwoman Brenda Tyler entered the Council Meeting.

AGENDA ITEM NO. 4 – STREET PAVING: - Mayor Casto asked the City Treasurer Ralph Allison if we had the money to pave 9th, 10th and Third Avenue and Mr. Allison responded we have the money. Councilman Harry Miller, III asked the amount of the bid, and Mayor Casto said he thought it was a little over $20,000. Councilman Harry Miller, III said we didn't want to do anything up there until Public Works is done with the pipes. Mayor Casto said he couldn't understand why we would hold up the paving on account of the pipes. COUNCILMAN HARRY MILLER, III MOVED WE TABLE THIS AGENDA ITEM UNTIL THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto said he would try and have A. J. Hill, Public Works Director clean out the pipes by the next Council Meeting. Councilman David Miller suggested we also pave River Drive, and Mayor Casto asked if they wanted him to get three bids on River Drive near Fenton Circle and Kanawha Avenue, South . Mayor Casto said he would obtain verbal bids on this paving, and Chief Jordan will take care of the sidewalk and Plant Road at the playground.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. Attorney April Robertson said she asked Mr. Burgess to come this evening because when she finally received the survey from the City Engineer the proposed area of abandonment would result in giving Mr. Burgess more property than what the City abandoned through the Ordinance. She pointed out that the City abandoned , looking from River Avenue and going south to the waterline. The survey went beyond the current waterline and took the property down the old waterline. In addition, this included a portion of what was formerly known as Kanawha Avenue which is partially under water now. In a cover letter to the attorney, Mr. Burgess indicated that he recommended we abandon the area which is behind the riverbank so he would have legal aspect to ownership of all the property surrounding his house. The City must make a decision as to whether or not to amend the ordinance originally enacted and include this extra portion of land along Kanawha Avenue. All we previously abandoned was a portion of DuPont Lane. City Attorney April Robertson said if we abandon the additional property it would be a material amendment and would require two separate readings at two separate meetings. She pointed out that by expanding out on Kanawha

Avenue we are also involving additional landowners that were not affected by the original abandonment. The City Attorney April Robertson said she could send this back to the engineer and tell him that this is not what we asked for; do it again. Councilman Harry Miller, III suggested she do this as did Councilman David Miller and Councilman Joe Savilla, but they didn't have a problem doing it either way. COUNCILMAN HARRY MILLER, III MOVED WE AMEND THE ORDINANCE AND MAKE IT CONFORM WITH THE MAP OF THE PROPERTY DESCRIPTION THAT THE CITY ENGINEER PREPARED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

City Attorney April Robertson said she had an annexation resolution upon discovery by the executive comptrollers of Kanawha County who were doing an audit of all of the counties. COUNCILMAN HARRY MILLER MOVED WE READ TITLE ONLY OF RESOLUTION, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Mayor Casto read title of resolution, "Resolution of the City of Nitro to Annex by Minor Boundary Adjustment a 23.8 Acre Contiguous Parcel of Land Situate on Blakes Creek Road/21st Street at the Armour Creek Multipurpose Dam No. 7 on Ridenour Lake in Union District, Kanawha County, into the Present Corporate Limits of the City of Nitro, West Virginia". COUNCILMAN HARRY MILLER, II MOVED FOR THE APPROVAL OF THE FIRST READING OF RESOLUTION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Without objection, Councilman David Miller read the Ordinance title, "An Ordinance to Prohibit Employees of the Nitro Fire Department from Performing Fire Fighting or Related Duties for Any Other Municipality, Private Corporation, or Volunteer Fire/Rescue Entity". COUNCILMAN DAVID MILLER MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

ORDINANCE 02-07 ATTACHED.

Councilman David Miller said if we are not real careful we are going to get landlocked in Putnam County. Hurricane has made an overture to come all the way up the Interstate and Winfield has made an overture to come all the way up Rt. 35. He said he would like for us to pursue the State Roads that are contiguous to Nitro through past annexations and go through the necessary steps for annexation. (Down to Poca City limits and Winfield City limits) He suggested we get Putnam County first and then start on Kanawha County.

AGENDA ITEM NO. 6 – RALPH ALLISON: - Nothing to discuss.

Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. COUNCILWOMAN TYLER ADVISED WE NEED A NEW RESOLUTION FOR THIS FISCAL YEAR GIVING THE MAYOR PERMISSION TO SEEK FUNDS FOR THE PLAYGROUND. COUNCILMAN DAVID MILLER MOVED WE PASS A RESOLUTION GIVING THE MAYOR PERMISSION TO SEEK FUNDS FOR THE

PLAYGROUND, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto explained that the resolution was passed in May, and they need a new one under this fiscal year.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: - Mayor Casto reported that they are getting samples of the drums at the Smith Street Landfill. They also took underground pictures. They should be back around the first of November with the data and they will report in a City Council meeting.

Councilman David Miller commented that when Hurricane talked about annexation, they made the comment they would be running in conjunction with Teays Valley Volunteer Fire so they would be able to cover that. He said this tells him they can't cover what they have and they shouldn't be annexing. The Chief of Winfield reported they only have five people on the force.

Councilman Bobby Smith asked Mayor Casto if he had received anything from Mr. Carrington and the Mayor said he did not. Councilman Smith informed that Mr. Carrington did the mosquito check and said he would recommend the people to do the spraying because the agriculture department doesn't handle this.

Councilman at Large Timothy Sizemore said we are going to have to do something in Nitro about businesses advertising. We have to do something about people being able to advertise off of their property. The language is there, but we need to change it around, especially on 21st Street. Councilman Harry Miller, III said we need to find out what we have, and then we can decide what we want. Attorney April Robertson said right now the City Code restricts advertising to businesses off premises.

Councilwoman at Large Brenda Tyler advised of a 70/30 grant which Hurricane got last year and then for the recreation trail program we could probably go under this grant also for the lake and the trail. Councilman David Miller thought we should go from the lower Plant Road along the parkway where the trees are and make a walkway all the way up to Lock Street.

A Planning Commission was scheduled Tuesday, September 24, 2002 in the Nitro Development Authority Board.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 02-07

AN ORDINANCE TO PROHIBIT EMPLOYEES OF THE NITRO FIRE DEPARTMENT FROM PERFORMING FIRE FIGHTING OR RELATED DUTIES FOR ANY OTHER MUNICIPALITY, PRIVATE CORPORATION, OR VOLUNTEER FIRE/RESCUE ENTITY.

WHEREAS, the City Council of the City of Nitro ("City") finds that the provision of fire protection services to the public is a dangerous occupation requiring highly trained, physically capable personnel using appropriate methods and equipment under the direction of experienced supervisors. As such, the performance of fire protection duties without the requisite training, methods, equipment, or supervision may threaten the health and welfare of employees of the Nitro Fire Department and the public.

WHEREAS, said employees who perform fire protection duties on a voluntary basis or through outside employment are subject to increased exposure to hazardous conditions that may result in a greater incidence of illness or injury. Consequently, the performance of such duties for municipalities or other entities operating a paid or volunteer fire department other than the City may have a direct bearing on employees' ability to perform fire protection duties for the City.

WHEREAS, there is a presumptive causal relationship between an employee's fire suppression duties and certain heart and lung disabilities the employee may develop. The City is financially liable for its employees' duty disability benefits, and must be confident that such disabilities are related to work for the City and not for other municipalities.

THEREFORE, the prohibition against employees of the Nitro Fire Department from performing fire fighting or related duties for entities other than the City shall be in effect from the date of passage of this ordinance.

Passed on first reading: September 3, 2020

Adopted on second reading: September 16, 2002

Rusty Casto, Mayor

Joan McClanahan, Recorder

CITY OF NITRO

COUNCIL MEETING MINUTES

OCTOBER 1, 2002

Mayor Casto 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 Timothy 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.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

SCOUT ZACK BONNETT LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF SEPTEMBER 16, 2002 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE SEPTEMBER 16, 2002 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: - Mayor Casto announced the October Citizen of the Month – Denver "Tinker" Rawlings. Mr. Rawlings was former Fire Chief and he wanted to honor him. He is going to try and have him present at the next meeting.

AGENDA ITEM NO. 3 – STREET PAVING (9^{TH}, 10^{TH} & 3^{RD} Ave.): - COUNCILMAN DAVID MILLER MOVED TO BRING THE STREET PAVING AGENDA ITEM OFF OF THE TABLE FOR DISCUSSION, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto said we will have to eliminate 3rd Avenue at this time because we only have $20,000 allotted. City Treasurer Ralph Allison reported the bid to pave 9^{TH} Street was $9,129.00 and 10^{th} Street $8,875.00. Mayor Casto said we might be able to squeeze in a small section of Sattes Circle. COUNCILMAN HARRY MILLER, III MOVED WE PAVE THE SMALL PATCH ON SATTES CIRCLE, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

Councilman David Miller reported Council had a planning meeting on Tuesday evening. They discussed the letter received from John Montgomery, a resident of Brookhaven. Councilman Miller said they were trying to formulate some kind of a long range plan. Councilman Joe Savilla said A. J. Hill said they would probably have to start on Rockledge because it is probably the worse street up there. Councilman Savilla said whatever they do, they are talking about a lot of money. Councilman Savilla said the

citizens would probably be required to chip in and help pay for this. Councilman Joe Savilla said this should have never occurred; those streets were never laid out properly to start with. Councilman Joe Savilla told Mr. Montgomery that they were addressing this issue, and they hope to do something about it. It is not going to be easy or short termed. Mayor Casto said we should look at bringing the sewer lines into the City of Nitro. This way the sewer lines would be fixed and the roads needing repaired could be done at the same time.

Councilman Harry Miller, III said A. J. Hill advised we have some issues coming up regarding storm water drainage and new requirements from the State and Federal level so probably in the next two or three weeks they will call a meeting and appoint a Committee from the Sanitary Board and Council and ask A. J. Hill to be here so they could address this matter. At this time they could bring up the Union PSD problems they have on the 40th Street area. By the first of November they could come back to Council.

AGENDA ITEM NO. 4 – PLAYGROUND: Mayor Casto said he went down to his house and here comes a car at what appeared to be 90 miles an hour. He said he thought it might be a citizen to chew him out. The guy was on a cell phone and his other cell phone was ringing and he handed him a check for $20,000 and said this will pay off your playground. It was Senator Oshel Craigo.

City Treasurer Ralph Allison said the Mayor gave him the check from Senator Craigo for $20,000 and he also gave him a check for the amount of money that was in the City's playground account and wrote a check for $73,000 plus to pay off the playground account. Treasurer Allison said this money was all donated or obtained from fund raisers. Councilwoman at Large Brenda Tyler said we are not going to stop taking money for that area because we want to make additions to that. She informed that we are still selling bricks. She said there is not another facility on the Eastern Coast of the United States this large and handicapped accessible. Councilwoman at Large Brenda Tyler again thanked everyone for all the hard work they did at the playground.

Councilman Harry Miller, III sent pictures and talked with some out-of-state people and it has inspired these two people to start a campaign within their areas to get a similar handicapped facility for their towns.

Mayor Casto said when he was first elected Mayor, Jack Bellino asked him to start a City golf tournament. The first one got rained out and then they had it up to Coonskin. Mayor Casto said Councilman David Miller suggested that he start an account for a playground and this is where the money went from the third tournament.

AGENDA ITEM NO. 5 – SCOUT ZACK BONNETT: - Mayor Casto yielded the floor to Councilman at Large Timothy Sizemore. Councilman Sizemore introduced Zack Bonnett and asked him to explain what he was working on. Zack advised he was working on his communication merit badge. He is a member of St. Albans Scout Troop 146. One of his requirements is to attend a public meeting. Zack was accompanied by his grandfather James Bonnett.

AGENDA ITEM NO. 6 – REPORT ON NITRO/ST ALBANS BRIDGE: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She reported that we have had several telephone calls about the status of the replacement of the Nitro/St. Albans Bridge. She said she talked with Mike Felton, Director of Transportation for RIC. The last time she spoke with him they were expecting some reports to come in this week. There is no question of the need; the current bridge will have to be replaced. Mr. Felton will be more than happy to come and talk with Council and discuss with us the options. Options primarily being positioning of the bridge and the way it will be financed. It is expected to cost $40 million. COUNCILMAN HARRY MILLER, III MOVED WE ASK MIKE FELTON TO COME TO THE NEXT MEETING, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto advised it would come over the railroad tracks and ten feet higher than the present bridge. Councilman Harry Miller said it was his understanding they were going to go over the railroad tracks in St. Albans too. Mayor Casto said he thought it would be the underpass, but they could change it. City Recorder Joan McClanahan advised she would call Mark Felton.

AGENDA ITEM NO. 7 – TRICK OR TREAT: - Mayor Casto informed that the Kanawha County Commission set aside October 31, from 6 p.m. to 8:00 p.m. for Trick or Treat and we have always gone with what they recommend. COUNCILMAN HARRY MILLER, III MOVED WE DESIGNATE OCTOBER 31, FROM 6 TO 8 P.M. FOR TRICK OR TREAT, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto said that he hopes to plan an event on 21st Street for next year's Halloween festivities.

AGENDA ITEM NO. 8 – CALENDAR BID: - Mayor Casto yielded the floor to City Recorder Joan McClanahan who advised we received one bid from Color Craft. Councilwoman at Large Brenda Tyler opened the sealed bid from Color Craft Printing for 4,000 calendars, 28 pages plus cover for an amount of $5,724.00. CITY RECORDER JOAN MCCLANAHAN MOVED WE ACCEPT THE BID FROM COLOR CRAFT PRINTING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto said he would try to get Mr. Harmon to take a new group picture of Council at the next meeting.

AGENDA ITEM NO. 9 – ENDORSING EXCESS LEVY: - Mayor Casto said we received a letter asking us to endorse the Kanawha County Excess Levy. Councilman Harry Miller, III explained that in the past, the excess levy used to fund KRT and the ambulance authority. This time the County Commission has decided to take roughly ten percent which amounts to around $600,000 of the excess levy money and dedicate it to police and fire departments within the county. Councilman Miller said he was definitely in favor of having this Council endorse the Levy Election. He advised the school levy is also on the ballot this time around and this will be a tough sell. COUNCILMAN HARRY MILLER, III MOVED WE ADOPT THE RESOLUTION ENDORSING THE

KANAWHA COUNTY EXCESS LEVY, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.
RESOLUTION 02-09 ATTACHED.

AGENDA ITEM NO. 10 – APRIL ROBERTSON:- Mayor Casto yielded the floor to the City Attorney April Robertson. She distributed an amended ordinance to members of Council. COUNCILMAN HARRY MILLER, III MOVED WE APPROVE THE AMENDED ORDINANCE ON FIRST READING BY READING TITLE ONLY AND THAT THE AMENDED ORDINANCE BE RETURNED TO THE PLANNING COMMISSION FOR PUBLIC COMMENT, MOTION SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED. Councilman Harry Miller, III read title "AN ORDINANCE TO AMEND AN ORDINANCE ADOPTED ON AUGUST 6, 2002, 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 DuPONT LANE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1," AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA, BY INCLUDING IN SAID ABANDONMENT THE WESTERLY PART OF FORMER KANAWHA AVENUE THAT IS NOW THE PRESENT LOCATION OF THE WATERS OF THE KANAWHA RIVER". A VOTE WAS TAKEN TO APPROVE FIRST READING OF ORDINANCE AND IT WAS UNANIMOUS.

City Attorney April Robertson said it would be a battle to pursue the annexation of the State Road at this time. COUNCILMAN HARRY MILLER, III MOVED WE TABLE ANY FURTHER MOVES FOR THE ANNEXATION OF THE STATE ROADS IN PUTNAM COUNTY, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Attorney April Robertson said she was looking at model ordinances from different cities around the country on the off premise advertising signs.

AGENDA ITEM NO. 11 – RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison informed that he had a request from the Fire Department for the purchase of 17 portable radios, 10 pagers, 1 base station and 1 decoder unit plus all the accessories that goes with it which amounts to $28,000. They presented several lease purchase plans financing for 12 months up to 48 months. Mr. Allison said the main reason he is bringing this to Councils' attention is that it was not a budgeted item. Councilman Harry Miller, III said this equipment is needed but it is not a critical need. COUNCILMAN A. A. 'JOE' SAVILLA MOVED THE MAYOR CONTACT THE PUTNAM COUNTY AND KANAWHA COUNTY COMMISSION TO SEE IF THEY COULD PUT SOME MONEY UP TO BUY THIS EQUIPMENT, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto received a letter requesting Nitro proclaim October 21 through 25, 2002 as National Business Women's Week. COUNCILMAN A. A. "JOE" SAVILLA MOVED NITRO PROCLAIM OCTOBER 21 THROUGH 25, 2002 AS NATIONAL BUSINESS WOMEN'S WEEK, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilman Harry Miller, III advised that Chief Jordan mentioned to him that we need to have some provisions on the Nitro Emergency Response Plan. We need to update our plan. COUNCILMAN HARRY MILLER, III MOVED WE ESTABLISH A COMMITTEE CONSISTING OF: MAYOR AS CHAIRMAN, COUNCILMAN HARRY MILLER, III, COUNCILMAN DAVID MILLER, COUNCILMAN JOE SAVILLA WITH REPRESENTATIVES FROM PUBLIC WORKS, FIRE DEPARTMENT AND ALSO THE CITY RECORDER WHO SERVED ON THIS COMMITTEE WITH COUNCILMAN HARRY MILLER, III PREVIOUSLY, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman Smith announced that he was going to be a Grandpa. He received a round of applause.

Councilman David Miller thanked the City Attorney April Robertson for getting the situation taken care of on 10th Street.

Councilman Joe Savilla asked the Mayor to research item #4 in Mr. Montgomery's letter and get back with him so that he could respond to his letter. City Recorder Joan McClanahan said she would research this question. She had looked, but evidently didn't go back far enough. She will begin looking in 1998.

Councilwoman at Large Brenda Tyler said she was disturbed because Dunbar's parade is scheduled at the same time as Nitro. She announced that Nitro has a night time parade. Councilman David Miller said we should eliminate throwing candy, but if someone wanted to give out candy they could walk and pass it out. It is a dangerous situation. Members of Council were given a copy of a letter from Lions Little League requesting that we assist them with the little league field. They want to make some improvements with some new dugouts, build some new bathrooms, move the fence from the softball field, concrete the senior league dugouts, upgrade lighting around the field and they would like for us to assist in providing labor for the new bathrooms and the dugouts. Additional copies of letters were given to members of Council asking us to make decisions regarding some safety issues that they have over to the park such as bicycles in the park in the undesignated areas, and people bringing their animals into the park and playing golf in the park. She said we also need to address these. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE CITY ASSIST IN PROVIDING LABOR FOR THE NEW BATHROOMS AND DUGOUT AT THE LITTLE LEAGUE FIELD AND THE LETTERS REQUESTING SOME ASSISTANCE ON SAFETY ISSUES BE SENT TO THE RECREATION COMMITTEE, SECONDED BY COUNCILMAN HARRY MILLER, III, AND WAS CARRIED.

Councilwoman at Large Brenda Tyler said Bill Fortune a former resident of Nitro and now works at an agency, Good News Mountaineer Garage, that helps WV families go from welfare to work. People donate automobiles to them and they repair them and give them to families that are coming off of welfare that need transportation. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE DONATE ONE OF OUR POLICE CARS TO THIS PROGRAM FOR THEM TO FIX UP AND GIVE TO A FAMILY THAT IS IN NEED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Councilwoman at Large Brenda Tyler requested that all of Council remember David and Debbie Hood in their prayers. Their 16 year old son was a hit and run victim and he is in very critical condition. They live in Cross Lanes and David is a student at Nitro High School.

Councilwoman at Large Brenda Tyler said she wanted to share a personal story in hopes it will help everyone appreciate what the city of Nitro has in the way of emergency response equipment. This past Saturday at noon her husband's brother was up a tree at Alum Creek, topping the tree, taking it down and he was 40 ft. off of the ground when he made it cut. The tree limb caught his rope and pulled it down and the rope cut his arm into the bone severing the artery. Immediately he began to lose a lot of blood and they called the Alum Creek Fire Department. They do not have a ladder truck and nobody could reach this man in this tree. The only thing that saved his life was a young paramedic, Scott Ballard that was detached out of Dunbar. Scott decided to climb the tree, take IV's and go up there and help keep the man alive. There was no brain or kidney damage and they haven't determined the extent of injury to his arm. She said she was thankful that our fire department has the equipment it has and that they have a ladder truck.

Councilwoman at Large Brenda Tyler reported they put in some aerators at the lake today and they are paid for.

Councilwoman Tyler said at their planning meeting, they had a recreation plan presented to Council. She is in hopes that Council will back this plan and support to proceed. She said she thinks they have proven they can raise funds and that they can do the work. She commented that she knows there are concerns that whenever you start doing too much in a city, people may think you are spending their money. Her response to this is that they are not spending their money, but if we are at least they have something to show for it. In the past their money has been spent and they had nothing to show for it.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA, AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

RESOLUTION 02-09

RESOLUTION

WHEREAS, by order of the Kanawha County Commission, dated July 11, 2002, a special levy election has been set for Tuesday, November 5, 2002, to provide the voters of Kanawha County the opportunity to approve an excess tax levy for the years beginning July 1, 2004, 2005 and 2006, to support the operations of the Kanawha Valley Regional Transportation Authority (KVRTA), the owner and operator of the public bus transportation system serving Kanawha county and its citizens, the Kanawha County Emergency Ambulance Authority (KCEEA) which has established and maintains an emergency ambulance system for Kanawha County and the establishment of an Emergency Services Fund to assist and support public law enforcement and public fire protection agencies within Kanawha County; and

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

WHEREAS, the proposed levy rate was not increased to ensure that the Kanawha County taxpayers will not face any increase in the taxes allocated for the Kanawha Valley Regional Transportation Authority (KVRTA), the Kanawha County Emergency Ambulance Authority (KCEEA), the City of Charleston Ambulance Service and the Public Law and Fire enforcement agencies of Kanawha County.

NOW, THEREFORE, BE IT RESOLVED that the City of Nitro does hereby endorse the proposed special levy to be voted on November 5, 2002, and urges all voters in Kanawha County to vote for the levy which will result in the continued operation and improvement of the mass transportation system, provide for the continued operation and expansion of the emergency ambulance system and provide supplemental funding for public law enforcement and public fire protection agencies within Kanawha County, all of which are essential to the general welfare of all the people of Kanawha County.

Mayor Rusty Casto
City of Nitro

Oct 3, 2002
Date

RESOLUTION NO. 10 -02

RESOLUTION OF THE CITY OF NITRO TO ANNEX BY MINOR BOUNDARY ADJUSTMENT A 23.8 ACRE CONTIGUOUS PARCEL OF LAND SITUATE ON BLAKES CREEK ROAD/21ST STREET AT THE ARMOUR CREEK MULTI-PURPOSE DAM NO. 7 ON RIDENOUR LAKE 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 a certain parcel of land currently outside the corporate limits of the City, which parcel is contiguous to the City and is more fully set forth in a metes and bounds description and is 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 parcel 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 16th day of September 2002, on a motion by Councilman Harry Miller and seconded by Councilman A. A. "Joe" Savilla.

Joan McClanahan

Joan McClanahan, Recorder

CITY OF NITRO

COUNCIL MEETING MINUTES

OCTOBER 15, 2002

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

Mayor Casto asked former Councilman Dean Miller to give the invocation and to remember the State Policeman, Robert Elswick, that was shot and also his family. We also want to remember the policemen and FBI in Virginia and Maryland that are looking for the sniper. City Recorder Joan McClanahan added that we should remember our City Treasurer Ralph Allison in the loss of his sister and his wife isn't doing well.

DEAN MILLER GAVE THE INVOCATION.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 10-01-02 COUNCIL MEETING MINUTES: - COUNCILMAN DAVID MILLER MOVED THE OCTOBER 1, 2002 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Mayor Casto informed that October is National Fire Prevention Month and asked the members and retired members of the Fire Department to come up front. Mayor Casto advised that our Citizen of the month, Denver "Tinker" Rawlings is a retired 33 year veteran of our Fire Department. Mayor Casto gave him a certificate for dinner for him and his wife at Diehls. He received a big round of applause. Tinker will be 87 November 28, and retired as Chief in 1972. Mayor Casto also said he would furnish retired Fireman Smoky Stover and his wife a dinner at Diehls. Tinker thanked Mayor Casto and received another round of applause.

Councilwoman at Large Brenda Tyler said Tinker was a fine person and represented the City well. She said she was proud, not only to go to church with him, but to know him.

Councilman David Miller said that even though he doesn't drink coffee he has spent many mornings with Tinker at the Fire Department.

Councilman at Large Timothy Sizemore told Tinker that the few times they played golf together, he learned a lot from him.

Mayor Casto congratulated Tinker and told him that he appreciated all the work he did for the City all those years.

Dean Miller said he was upset about the sewer backing up in his basement Monday. This morning he met with Bryan Casto and Danny Lewis and told them his problem. Within 30 minutes, Mr. Lewis had the landfill opened and within 5 minutes the equipment was there after he arrived and within 15 minutes they had the sewer unplugged in his basement and it was draining out. He said he wanted to commend the employees of the sewer department. They did an excellent job.

Sheriff Dave Tucker said when Council hears complaints like this, they should feel good about it.

Councilwoman at Large Brenda Tyler introduced Derek Walker. He is Sheriff Tucker's son. He is running for the House this year and asked for Councils' support.

AGENDA ITEM NO. 2 – CHANGE OF NEXT COUNCIL MEETING DATE: - Mayor Casto advised the next scheduled Council Meeting is on Election Day, and mentioned that on the previous Monday, St. Albans is having Mr. Felton talk with them about the bridge, and if we could move it to the second Tuesday, they could probably make it to our meeting. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED WE CHANGE THE COUNCIL MEETING FOR NOVEMBER 5, TO THE SECOND TUESDAY, NOVEMBER 12, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 3 – BUDGET ADJUSTMENT: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She reported that in the Public Works Department current budget, they approved a salt shed and paving in front of public works garage. A. J. Hill indicated that he thinks the need for a dump truck equipped to handle a salt spreader is greater at this time. City Recorder Joan McClanahan said it is very commendable for him to want to give back to the City rather than taking. He did not have to make this request and she appreciates it. COUNCILMAN DAVID MILLER MOVED PERMISSION BE GRANTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 4 – ST. ALBANS/NITRO BRIDGE REPORT: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan said that Council asked that she speak with Mark Felton and ask him to be here tonight, and he is the one that suggested that he bring the consultants with him. As the Mayor mentioned, they are not going to be available until November. We have had a lot of interest shown about learning what is going on with the bridge. Mayor Casto told her that as soon as she found out if they could come November 12, he would get in touch with Council and put out a press release. Mayor Casto advised that the cost of the bridge is expected to be between 40 and 50 million dollars.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. At the Kanawha County Planning Commission meeting she discussed the City pushing to annex a section of property adjacent to and including

Ridenour Lake. They were very receptive to these requests. She informed that at this meeting, they discussed the Fike/Artel site and the Fike/Artel request to have a buffer zone around the actual site to restrict drilling of groundwater. She said as you will recall, Council amended the zoning ordinance in that area to restrict drilling of groundwater pursuant to EPA and WV DEP. They would like to have a buffer zone around the area both in Kanawha County and Putnam County. In Kanawha County there is no countywide zoning and in Putnam County there has been a change in leadership at the zoning commission. City Attorney April Robertson said the Kanawha County Planning Commission suggested that City Council may want to go ahead and annex the portion in Kanawha County. It is really not that big. She would furnish City Recorder Joan McClanahan a map and she could distribute copies to Council.

City Attorney April Robertson reported that at the last Council Meeting there was a discussion of donating one of the police cars to Good News Garage. She said that after looking into this matter she sees no problem with that.

Councilwoman at Large Brenda Tyler explained that the Good News Garage takes donations of vehicles. When you donate a vehicle to them, they take the vehicles and fix them up and give them to families that are coming off of welfare to help them have transportation and means of getting to work. It is a very good program. When we were replacing our police cruisers, she asked Council to consider giving one of those better cruisers to this program so they can fix it up.

City Attorney April Robertson said the issue regarding signs on off premises locations she reviewed ordinances throughout the country and it reveals that off premises advertising is pretty much restrictive similar to what we have in this municipality. Councilman at Large Timothy Sizemore asked if the City had public property in a couple of different locations in town and we could sometime in the future give access to some businesses to advertise on there with restrictions and asked if this could be done effectively. She said she was sure it could because she knew the State was bending the rules for some new business owners.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: - Mayor Casto said the railroad work got in gear today. It should be done this evening. They are going to continue to work during the month, and when the blacktop plants fire up next spring they should be finished.

Mayor Casto said the gentleman that was buying Republic Container came to see him, and asked if they could please change the Republic Way back to Viscose Road. Mayor Casto told him we changed it previously in order to help the business, but the gentleman felt strongly about changing it back to the old name. Discussion followed. Councilman at Large Richard Savilla said he thought it would be a good idea to identify it as the entrance to our City Park, such as City Way, Children's Park, a Better Way, etc., and Councilman A. A. "Joe" Savilla agreed.

Mayor Casto reported we are supposed to get 9th, 10th Streets and that small portion on Valentine Circle paved this week. The weather may prevent this from happening.

Councilman A. A. "Joe" Savilla asked the City Recorder Joan McClanahan if she had found out the information he requested regarding Mr. John Montgomery's letter, and she reported she had researched this item, but didn't find anything and wasn't sure she would. She said she would have to spend more time reading the minutes.

Councilman at Large Timothy Sizemore called Councils' attention to an article in the newspaper regarding same services and cheaper taxes than a municipality.

Councilwoman at Large Brenda Tyler said she spoke with Chief Jordan and A. J. Hill, Director of Public Works and they would be ready to have the auction on November 9. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE HAVE THE CITY AUCTION NOVEMBER 9, 2002 BEGINNING AT 9:00 A.M., SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. There must be a public notice published.

Councilwoman at Large Brenda Tyler questioned the hiring of two firemen, and there was a discussion regarding Fire Civil Service Commissioners and when we will have a permanent chief.

Councilwoman at Large Brenda Tyler said we have the light poles up at the children's park and they have been painted red, yellow and blue. The lights were donated to us. She said anyone wanting to make a contribution to the park, may do so and they will get their name on the wall. They are getting ready to lay the brick wall and encouraged anyone wanting to put a name on a brick to act quickly.

Councilman David Miller suggested Council take a look at the new hazmat trailer and truck that the Nitro Firemen's Association bought. It is very impressive.

City Attorney April Robertson said during the last two weeks she has been working with Mr. Kniceley with NDA and Harvey Peyton to make sure the City's interest is protected.

Councilwoman Tyler said she feels the Fire Department should hold an open house displaying their equipment and let the citizens know what they have. Councilman David Miller said they still have a little work to do on the truck, but open house would be in the near future.

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

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

NOVEMBER 12, 2002

Mayor Casto called the 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, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller and Bobby Smith. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent was Councilman Harry Miller, III.

Mayor Casto asked that we remember Jay Long in our prayers who will be having heart catheterization Wednesday. Also, requested a moment of silence in memory of Debbie Williams, Librarian at the Nitro Elementary School.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

PATRICK MURPHY LED THE PLEDGE OF ALLEGIANCE. Patrick is a junior at Nitro High School and has earned all 120 badges available to a Boy Scout. He received a stranding ovation. He was accompanied by his parents and grandmother.

AGENDA ITEM NO. 1 – APPROVAL OF 10-15-02 COUNCIL MEETING MINUTES: - CITY RECORDER JOAN MCCLANAHAN MOVED THE MINUTES OF OCTOBER 15, 2002 BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

CITIZEN OF THE MONTH: - In keeping with the Veterans' Day observance, Mayor Casto announced the November Citizen of the Month, our former Chief of Police Gary Blankenship who served in the Marine Corp and is currently a member of the National Guard. Councilwoman Brenda Tyler read a poem. The Mayor, Recorder and members of Council voiced their appreciation of all those who have and are serving in the armed forces. A big round of applause was given to Gary. All veterans were recognized.

AGENDA ITEM NO. 2 – BID OPENING – DUMP TRUCK: -Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan informed we received three sealed bids and they were distributed to members of Council to open. Bids received were from Bert Wolf Ford, General Truck Sales and C & O Motors. There was confusion about the total bid price and COUNCILMAN DAVID MILLER MOVED THE BIDS BE REFERRED TO THE FINANCE COMMITTEE CONSISTING OF TREASURER RALPH ALLISON, RECORDER JOAN MCCLANAHAN AND DIRECTOR OF PUBLIC WORKS A. J. HILL TO AWARD BID, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 3 – BID OPENING – PAVING ROAD TO FUEL PUMPS: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan said we received three bids. Members of Council opened the sealed bids from Blacktop Industries and Equipment Co., WV Paving, and Skilton Contracting of WV. COUNCILMAN DAVID MILLER MOVED THE BIDS BE REFERRED TO THE FINANCE COMMITTEE FOR AWARD, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 4 – PLANNING COMMISSION MINUTES: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan furnished members of Council an amended copy of the planning commission minutes on request for abandonment from John Burgess. CITY RECORDER JOAN MCCLANAHAN MOVED THE PLANNING COMMISSION RECOMMENDATION BE PASSED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

PLANNING COMMISSION MINUTES ATTACHED.

AGENDA ITEM NO. 5 – REPORT ON BRIDGE: - City Recorder Joan McClanahan told Council that Chris Callahan, representative from RDA, would be at our next meeting to give us an update on the site of the Nitro-St. Albans Bridge.

AGENDA ITEM NO.6 – APRIL ROBERTSON: - City Attorney April Robertson said a resident contacted her about dedicating the streets of Ridgefield Estates to the City. After some discussion, this question was referred to the Planning Commission, and Mayor Casto requested Bryan Casto notify Chairperson Margaret Hudson.

AGENDA ITEM NO. 7 – RALPH ALLISON: - Nothing to report.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: - Mayor Casto advised that a photographer would be at the next meeting to take pictures of Council for the City Calendar.

Mayor Casto informed that representatives from FMC and the State would be at the December 3, 2002 Council Meeting to give a progress report on the Smith Street Landfill. He suggested we start the Council Meeting at 7:00 p.m. CITY RECORDER JOAN MCCLANAHAN MOVED THE COUNCIL MEETING BEGIN AT 7:00 P.M. INSTEAD OF 7:30 P.M. ON DECEMBER 3, 2002, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman Joe Savilla questioned the timing of the hiring of a new Fire Chief. He said he wanted to know why it was taking so long since Charleston did it in two weeks. He asked officials to find out how much longer Hedrick can serve without a permanent chief taking over.

Councilwoman at Large Brenda Tyler said the delay was because of the difficulty in finding a Republican to appoint to the selection committee.

The tests were ordered and have arrived.

Councilman at Large Richard Savilla said it was his understanding that the Building Inspector's vehicle is in bad shape and according to City Mechanic Bobby Lewis, it would cost about $2,000 to repair.

Councilman Joe Savilla asked Chief Jack Jordan if the date of the auction was set. He answered it had not.

Mayor Rusty Casto said we would set the date for the auction at the next Council Meeting.

Councilman at Large Tim Sizemore explained the expansion of WV Water in certain areas of town.

Councilwoman at Large Brenda Tyler asked about the hiring of the two new firemen. Councilman at Large Tim Sizemore asked for clarification of the hiring. He understood we were hiring one fulltime and 1 temporary. Council agreed this was the case. City Treasurer Ralph Allison said these were budgeted positions.

City Recorder Joan McClanahan complimented Councilman Bobby Smith for all the clean-up work in his ward. He received a big round of applause.

There being no further business, COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Rusty Casto

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

OCTOBER 24, 2002

The Planning Commission of the City of Nitro met Thursday, October 24, 2002, at 7:00 p.m. the conference room of the Nitro Community Center. The meeting was called to order by Margaret Hudson, Chairperson. Other members present were John Montgomery, Kermit Thompson, Jim Hutchinson, and Lonnie Blaylock. Bryan Casto, City Building Inspector, and Mrs. John E. Burgess were also in attendance.

The request from John E. Burgess, 100 River Avenue, "to abandon unused city street adjacent to 100 River Avenue and the East end of Raleigh Junk Company and transfer ownership of property into my name so that I will be able to clean and improve living conditions at East end of the Junk Company property" was again, at the direction of the City Council, presented for discussion. The original motion with the addition of "by including in said abandonment the westerly part of former Kanawha Avenue that is now the present location of the Kanawha River." Supporting documents including a map and two pages of "An ordinance to amend an ordinance adopted on August 6, 2002..." are attached. John Montgomery made a motion that "the original motion with the "Ordinance to amend an ordinance adopted (by City Council) on August 6, 2002..." be approved. The motion received a second from Jim Hutchinson. Motion carried.

The meeting was adjourned.

Margaret A. Hudson

Margaret A. Hudson, Chairperson

ORDINANCE NO. _____

AN ORDINANCE TO **AMEND AN ORDINANCE ADOPTED ON AUGUST 6, 2002,** 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 DuPONT LANE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1," AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA, **BY INCLUDING IN SAID ABANDONMENT THE WESTERLY PART OF FORMER KANAWHA AVENUE THAT IS NOW THE PRESENT LOCATION OF THE WATERS OF THE KANAWHA RIVER.**

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

WHEREAS, First Avenue is shown on a certain plat of the City of Nitro, however, said street is in actuality commonly known as DuPont Lane; and

WHEREAS, abutting property owners to said DuPont Lane have requested that that portion of DuPont Lane which abuts their property be abandoned; and

WHEREAS a public hearing was held on June 25, 2002, for the purpose of discussing the abandonment of a portion of DuPont Lane at which public hearing no one objected; and

WHEREAS, on June 25, 2002, the Planning Commission for the City of Nitro approved the petitioners' request to abandon said portion of DuPont Lane; and

WHEREAS, on July 2, 2002, at a regularly called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of DuPont Lane and close that portion to public use and to convey said portion of DuPont Lane to the petitioning property owners.

NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion approximately 25 feet wide and 150 feet long of DuPont Lane from River Avenue to the water's edge of the Kanawha River, **and a portion approximately 35 feet wide and 48 feet long of former Kanawha Avenue abutting DuPont Lane, and now the present location**

of the waters of the Kanawha River, situate in the City of Nitro, Kanawha County, V Virginia, is hereby closed, abandoned, and discontinued.

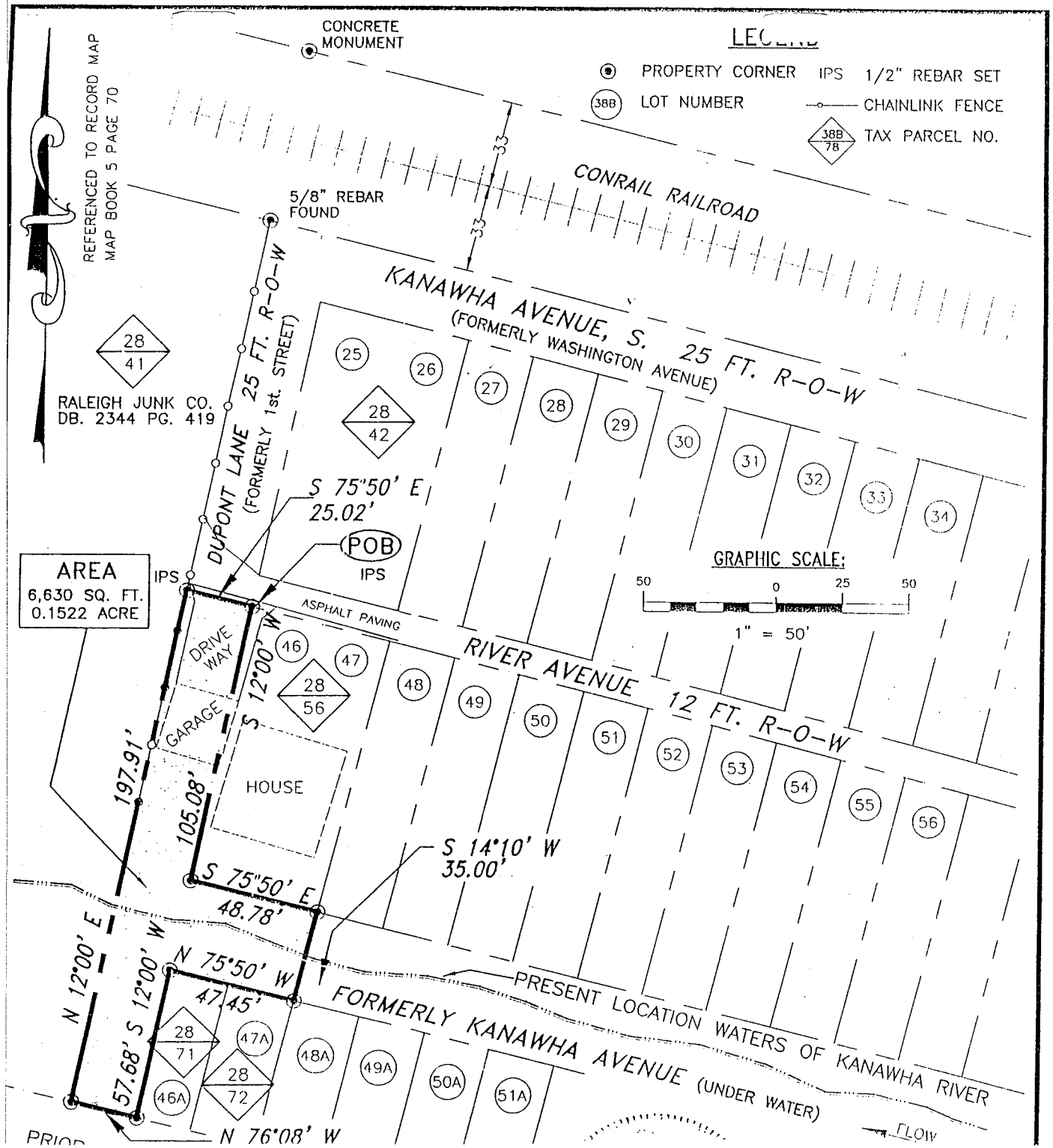
The City of Nitro hereby reserves a sewer easement for the full length and wi above described right-of-way for the purpose of construction, maintenance, repair, and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action 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 DuPont Lane 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 No. 1" 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: _____ _____
Mayor, City of Nitro

Passed on second reading: _____ _____
Recorder, City of Nitro


CONCRETE MONUMENT
LEGEND
PROPERTY CORNER
IPS 1/2" REBAR SET
38B LOT NUMBER
CHAINLINK FENCE
38B/78 TAX PARCEL NO.
REFERENCED TO RECORD MAP
MAP BOOK 5 PAGE 70
CONRAIL RAILROAD
33
33
5/8" REBAR FOUND
KANAWHA AVENUE, S. 25 FT. R-O-W
(FORMERLY WASHINGTON AVENUE)
DUPONT LANE 25 FT. R-O-W
(FORMERLY 1st. STREET)
28/41
RALEIGH JUNK CO.
DB. 2344 PG. 419
28/42
25
26
27
28
29
30
31
32
33
34
S 75°50' E
25.02'
POB
IPS
IPS
AREA
6,630 SQ. FT.
0.1522 ACRE
GRAPHIC SCALE:
50 0 25 50
1" = 50'
ASPHALT PAVING
RIVER AVENUE 12 FT. R-O-W
DRIVE WAY
GARAGE
HOUSE
S 12°00' W
197.91'
105.08'
S 75°50' E
48.78'
S 14°10' W
35.00'
N 12°00' E
S 12°00' W
57.68'
N 75°50' W
47.45'
N 76°08' W
28/56
28/71
28/72
46
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56
46A
47A
48A
49A
50A
51A
PRESENT LOCATION WATERS OF KANAWHA RIVER
FORMERLY KANAWHA AVENUE (UNDER WATER)
FLOW

CITY OF NITRO

COUNCIL MEETING MINUTES

NOVEMBER 19, 2002

Mayor Rusty Casto called the meeting to order in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, 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 were Councilmen at Large Richard Savilla and Timothy Sizemore.

THE INVOCATION WAS GIVEN BY MR. BILL FORTUNE.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 11-12-02 COUNCIL MEETING MINUTES:- COUNCILMAN DAVID MILLER MOVED FOR THE APPROVAL OF NOVEMBER 12, 2002 COUNCIL MEETING MINUTES, SECONDED BY CITY RECORDER JOAN MCCLANANAN AND WAS CARRIED WITH COUNCILMAN HARRY MILLER, III ABSTAINING.

Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler advised there was a wonderful program operating in our area. It is called Good News Mountaineer Garage. This is a program that helps families that are coming off of welfare to help them maintain transportation. They are given an automobile. The Good News Mountaineer Garage will accept donations of cars, trucks or jeeps, fix them up and give it to a family. She introduced Bill Fortune, a Nitro boy, who works with the Good New Mountaineer Garage. Councilwoman at Large Brenda Tyler said as most of us knew, they were replacing vehicles in the City. She presented the Good News Mountaineer Garage a vehicle to work on and present to a needy family. Mr. Fortune thanked everyone. He received a big round of applause.

AGENDA ITEM NO. 2 – DR. CHARLES BYRD: - Mayor Casto informed that Dr. Byrd wanted to be put on the agenda this evening to explain the delay in giving the fire chief test. Basically, it was where the Nitro Business Association folded and they questioned the legality of their appointment of Vernon Mills. Mr. Mills stepped down and was replaced by Larry Kelmerten. The Civil Service Commissioners have been meeting pretty regular the last couple weeks to get the job finished.

City Attorney April Robertson said that in answer to the Mayor's question, the State Code under Section 8, 15-21 provides when there is an urgent vacancy it can be filled temporarily until such time as a competitive examination can be given. However, this provisional appointment cannot continue for more than three months. After the three months period, the person in that position cannot be subsequently reappointed again. If

we do not have a permanent person to fill that position, then someone else is going to have to be temporarily appointed again until the test is given. Mayor Casto said he thought the next in line would be Captain Ronnie King. Councilwoman at Large Brenda Tyler asked if they had to make an appointment and the Attorney informed they would. Councilwoman Tyler asked if they had to make an appointment when there was a vacancy, and Mayor Casto said when it was Fire Chief they would. Mayor Casto asked the City Attorney if he should contact the Commissioners and tell them to go to either one of the other two captains, and she advised a person cannot hold a provisional position for more than 90 days. This would be the Commissioners' job, and Mayor Casto said he would contact them.

Councilman Joe Savilla said he didn't know who wrote to the vent line, but it must have been someone that was present at the last meeting and thought we were blaming the Republicans for not having a Fire Chief.

AGENDA ITEM NO. 3 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She reported we needed to have a second reading, by title only, on the amended ordinance to abandon the westerly part of Kanawha Avenue. COUNCILMAN HARRY MILLER, III MOVED WE HAVE SECONDED READING BY TITLE ONLY, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Mayor Casto read title only, "An Ordinance to amend an ordinance adopted on August 6, 2002, 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 DuPont Lane in the City of Nitro, Kanawha County, West Virginia, which right-of-way is depicted on that certain plat attached hereto and marked as "Exhibit No. 1," and reserving sewer easements for the City of Nitro, West Virginia, by including in said abandonment the westerly part of former Kanawha Avenue that is now the present location of the waters of the Kanawha River". CITY RECORDER JOAN MCCLANAHAN MOVED THE ORDINANCE BE ADOPTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE 02-08 ATTACHED.

City Attorney April Robertson said that Chief Jordan ask her to come up with an ordinance for Councils' consideration regarding the carrying of weapons into public buildings such as schools and municipal buildings in the City. She reported she was working on this and hopes to have something by the next meeting.

Councilman David Miller asked the Attorney if we had the hearing on the annexation change out at the lake, and she reported that they have not set a date yet.

AGENDA ITEM NO. 4 – RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison said at the direction of Council at the last meeting, the Finance Committee met on November 13, at 10:00 a.m. and looked at the paving bids and the bids on the dump truck. The paving bid was awarded to WV Paving

Co. who was the lowest bidder at $13,963.00. The dump truck bid was awarded to Bert Wolfe Ford for $24,228.00. This was also the lowest bid.

Mr. Allison reported the auction was set for Saturday, December 14, 2002, and it would be properly advertised.

AGENDA ITEM NO. 5 – REPORT ON BRIDGE: - Mayor Casto introduced Chris Callahan, from RIC, who was present this evening to tell us about a proposed, in the future bridge.

Councilman Joe Savilla asked why the proposed bridge was called the St. Albans bridge when it currently the Nitro/St. Albans bridge. Mr. Callahan responded that he guess it was because St. Albans called them first.

Mr. Callahan yielded the floor to Tim Ryan, consultant for the project. Members of Council were furnished hand-outs with proposed sites as well as conceptual-level cost analysis (in 2002 dollars) comparison chart showing costs and evaluation matrix. Mr. Ryan informed that the original purpose of the bridge underpass study was to try to find a reasonable location for a new bridge. The current bridge is over 70 years old, and costs more to maintain. Mr. Ryan said at the public meeting on October 5, 2000 there was good news and bad news. The people were in agreement that something had to be done with the bridge and the bad news was that nobody seemed to have a clear alternative as which one make the most sense. There were advantages and disadvantages with each alternative. A map was attached showing each alternative and the proposed cost. Mr. Ryan said he's looking for suggestions from both communities so the project meets all needs.

Mr. Richard Warner, an official with WV Department of Transportation said the current bridge is regularly inspected and would be kept working while the new span is built. There has to be inspections every six years. Mr. Warner said the project will take so long to complete because once the location and design is finalized, there has to be an 18 month environmental impact study. He added that the division also has to find the money to fund the project.

There will be a public meeting December 11, 2002 at the Hansford Community Center in St. Albans from 4:00 p.m. to 7:00 p.m. It will not be a formal presentation but more like a workshop type meeting and get input from the citizens.

Mr. Ryan commented that an early estimate for the bridge would be 2010 and he would be shocked if it is anything that early.

A question and answer session followed.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: - Councilman David Miller asked if we had any lights left over, and said he would like to have lights on the sled riders at the lake, and was told to talk with Chief Jordan and A. J. Hill.

Councilman A. A. "Joe" Savilla said he knew why Councilman at Large Richard Savilla wasn't here this evening, and it's because his wife gave birth to a 6 lb 13 oz baby girl this evening.

Mayor Casto announced that when flag football is finished up this year, they will no longer be back to City Park.

Councilwoman at Large Brenda Tyler said she would like to see the ones on the flag football teams pay for damages. They have absolutely destroyed the field, and if they do not replace it, they do not come back to this City period. Mayor Casto asked Chief Jordan to keep track of the grass and expenses and said we would send them a bill. She said the Little League spends four or five thousand dollars fixing the field and these men come in and looks like they have plowed for a garden. She said this was uncalled for. She said the men are responsible for their damages.

There being no further business, COUNCILMAN HARRY MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 02-08

AN ORDINANCE TO **AMEND AN ORDINANCE ADOPTED ON AUGUST 6, 2002,** 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 DuPONT LANE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT NO. 1," AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA, **BY INCLUDING IN SAID ABANDONMENT THE WESTERLY PART OF FORMER KANAWHA AVENUE THAT IS NOW THE PRESENT LOCATION OF THE WATERS OF THE KANAWHA RIVER.**

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

WHEREAS, First Avenue is shown on a certain plat of the City of Nitro, however, said street is in actuality commonly known as DuPont Lane; and

WHEREAS, abutting property owners to said DuPont Lane have requested that that portion of DuPont Lane which abuts their property be abandoned; and

WHEREAS a public hearing was held on June 25, 2002, for the purpose of discussing the abandonment of a portion of DuPont Lane at which public hearing no one objected; and

WHEREAS, on June 25, 2002, the Planning Commission for the City of Nitro approved the petitioners' request to abandon said portion of DuPont Lane; and

WHEREAS, on July 2, 2002, at a regularly called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of DuPont Lane and close that portion to public use and to convey said portion of DuPont Lane to the petitioning property owners.

NOW THEREFORE, be it Ordained by the Council of the City of Nitro, West Virginia, that a portion approximately 25 feet wide and 150 feet long of DuPont Lane from River Avenue to the water's edge of the Kanawha River, **and a portion approximately 35 feet wide and 48 feet long of former Kanawha Avenue abutting DuPont Lane, and now the present location**

of the waters of the Kanawha River, situate in the City of Nitro, Kanawha County, West Virginia, 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 DuPont Lane 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 No. 1" 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: October 1, 2002

Mayor, City of Nitro

Passed on second reading: November 19, 2002

Recorder, City of Nitro

CITY OF NITRO

COUNCIL MEETING MINUTES

DECEMBER 3, 2002

Mayor Rusty Casto called the meeting to order at 7:00 p. m. in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller and Harry Miller, III. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent was Councilman Bobby Smith.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 11-19-02 COUNCIL MEETING MINUTES: - CITY RECORDER JOAN MCCLANAHAN MOVED THE 11-19-02 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH COUNCILMEN AT LARGE RICHARD SAVILLA AND TIMOTHY SIZEMORE ABSTAINING.

AGENDA ITEM NO. 2- CITIZEN OF THE MONTH: - Mayor Casto yielded the floor to Councilman A. A. "Joe" Savilla. Councilman Joe Savilla said the person he is going to name Citizen of the Month is a prime example of what Nitro is all about. It is a place where people care about people. This man has always been involved in Nitro, and he was proud to present the honor of Citizen of the Month to Mayor Rusty Casto. The Mayor received a big round of applause.

AGENDA ITEM NO. 3 – APRIL ROBERTSON: - City Attorney April Robertson reported that the Ridenour Lake annexation is on the Kanawha County Commission's agenda for the week of December 17.

Mayor Casto said he went to the Kanawha County Commission meeting around a week ago and we received a resolution for our work on 911.
COPY ATTACHED.

AGENDA ITEM NO. 4 – RALPH ALLISON: - NOTHING TO REPORT

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS:- Mayor Casto advised that he had to give his tickets to the Florida game away so that he could be at the Council Meeting.

Councilman at Large Richard Savilla said they had their third child, a little girl, 6 pounds 13 oz., 20 inches long. Her name is Isabella Maria Sophia Savilla. He received a big round of applause.

Councilwoman at Large Brenda Tyler announced that the parade will be this Saturday evening at 6:00 p.m. and invited all Council to be present and participate. Try to be across the railroad tracks at McDonalds around 5:45 p.m.

Councilman David Miller suggested Brenda pass out a notice advising the participants not to throw candy this year, and the fire and police units to not blow their sirens.

Councilwoman at Large Brenda Tyler informed that they received some more money toward the playground and they ordered a handicapped accessible sandbox. It stands 27 inches off of the ground and it like a table form where kids in wheelchairs can roll under it. They are still taking orders for bricks for $50.00 each. This is a way of supporting the playground. She said she was looking into swings for the playground.

Councilwoman at Large Brenda Tyler advised that Dewey Mann was named hometown hero. He purchased a brick for all the 99 men in his battalion that were killed.

Mayor Casto declared a 15 minute recess until 7:30 p.m. and Council Meeting will resume and Agenda Item No. 5 will be addressed.

Council Meeting back in regular session.

AGENDA ITEM NO. 5 – SMITH STREET LANDFILL: - Mayor Casto introduced David Hight, project manager for the State Department of Environmental Protection, Chris Amick of Kemron Environmental Services, Jim Bodamer from FMC Corporation, Zack Brown, Don Martin, Fran Dixon and Jessica Greathouse. Mayor Casto yielded the floor to David Hight.

Mr. Hight gave an overview of the history of the site and the work that has been done. The site is called Nitro Sanitation Landfill and it was previously the backwater of Kanawha River and used as a landfill by the City of Nitro beginning in early 1960's and closed in the 1970's. In the late 1970's up to the year of 2000, the State and EPA have been involved in different stages of sampling. There was a lot of activity at the landfill this summer. Mr. Hight said the DEP just finished a six month survey of the landfill site and toxic substances, including arsenic, lead and titanium, were found in the soil. The engineer responsible for inspecting the landfill said the next round of studies should take a year to complete.

Mr. Chris Amick said they were looking at one additional phase of investigation. He said they wanted to try and decide what are the risks associated with the site. Mr. Amick said his company plans to start probing the site early next year while it is still

cold, which reduces vapors emitted by the work. He said they had to replace three of the four existing wells for a variety of reasons.

The land was already inspected once, when the city stopped using it as a landfill in 1971. Mr. Hight said the original research had been lost and needs to be redone.

Mr. Amick said they did not find anything that they were not expecting. The land was found to have dioxins and solvents permeating the soil. Officials said the material should not be hazardous to residents, but a study of the land is planned. Mr. Amick displayed the proposed schedule of where they are headed. Any remedial action needing to be addressed will take place in 2003, and in 2004 they will make a full scale remedial design.

A question and answer session followed.

Dean Miller who lives adjacent to the site commented that there were two houses that were built entirely on landfill.

A lady said she did not receive notice of this meeting, and the Mayor ask her to call him and he would make sure she got a letter.

Mr. Tim Fitzwater expressed his resentment of having a boat ramp near his home. He said he would probably take any legal action that is necessary to stop it.

Councilman A. A. "Joe" Savilla said the first priority is to clean the site and then start developing it.

There being no further business, the meeting was adjourned.

Interested parties were invited to come up front and review the information pertaining to the landfill.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

RESOLUTION

WHEREAS, for years, the City of Nitro operated its own dispatch center for its police and fire departments, and

WHEREAS, Metro 911 is a countywide emergency communications agency, serving the people of Kanawha County every hour of every day, and

WHEREAS, the City of Nitro was invited to join the Metro 911 system, eliminating needless delay and redundant expenses for the people of Nitro, and

WHEREAS, members of Nitro City Council held hearings and discussion on Metro's proposal, voting to join the Metro 911 system effective July 1, 2002, showing great leadership for the people they serve, and

WHEREAS, Mayor Rusty Casto and the Members of Council should be commended and publicly recognized for improving public safety in joining the countywide emergency communications center

THEREFORE, be it resolved that the Kanawha County Commission hereby commend Mayor Rusty Casto and Members of Council for their leadership in joining the Metro 911 system.

Presented by the
KANAWHA COUNTY COMMISSION
This 25th Day of November, 2002

Dave Hardy, President | W. Kent Carper | Henry C. Shores

CITY OF NITRO

COUNCIL MEETING MINUTES

DECEMBER 17, 2002

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 p.m. at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, 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 were Councilmen at Large Richard Savilla and Timothy Sizemore.

Mayor Casto announced we have a number of very special guests with us this evening. The Poca Dots, state AA football champions for the second year in a row.

THE INVOCATION WAS GIVEN BY COACH BOB LEMLEY.

COACH MEL REED LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 12-03-02 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE DECEMBER 3, 2002 COUNCIL MINUTES BE APPROVED AS WRITTEN, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – INTRODUCTION OF GUESTS: - Mayor Casto presented Coach Lemley a key to the City and also two certificates for dinner at Diehls Restaurant. Coach Lemley recognized the football players and they received a big round of applause.

City Recorder Joan McClanahan stated that she was fortunate that her sons played under Coach Lemley. From past experience she knows he is a fine coach and a fine man. She told the players that what they are learning from him now, they won't just use it on the football field. They will use it the rest of their lives, and they couldn't learn it from a better guy.

Councilwoman at Large Brenda Tyler said she was very proud of the team, and was so glad they won the championship again. She said we hope to have them back next year.

Councilman Joe Savilla said he has known Coach Lemley for 30 years or more. He coached his sons in middle school and high school. He has also had nephews that played for him. He said these young men are fortunate to have Coach Lemley as their leader. He will teach them life lessons if they will just listen. Councilman Joe Savilla said he was prejudice because his three sons and nephews graduated from Poca High School. He said he also supports Nitro High School.

Councilman David Miller said he didn't play for Coach Lemley. Councilman David Miller said Coach Lemley was always a gentlemen and he could tell it rubs off on the team. Bring back number three.

Councilman Bobby Smith said he was looking for them to come back next year.

Coach Lemley said the team was a great bunch of guys to work with.

Mayor Casto said he also had a key to the City for James Dagaostine, and asked Mr. Sprouse to introduce him. Mr. Sprouse said that during the past 15 years the community of Nitro and South Charleston, mostly bikers, help the Salvation Army with cash and toys. They had $768.00 in cash and 610 toys. This is not counting what they took in Sunday helping a family in Rock Branch and a family in Nitro. He works about two months a year. They left barrels out at Shelley's Beauty Salon, Nitro Billards, Nitro Trophy Shop, Creative Kitchens and several other places. He does a tremendous job. He received a big round of applause. Mr. Dagaostine expressed his appreciation.

City Treasurer Ralph Allison informed that in 1959, he sat on the bench and watched Mr. Dagaostine and Mr. Barry McClanahan win a sectional tournament in basketball. This is the first time in 18 years that Poca had won anything.

Mayor Casto informed that he had another person he wanted to present a key to the city, and would probably be here shortly.

AGENDA ITEM NO. 3 – FIRE PENSION EXPENDITURE BUDGET: - Mayor Casto yielded the floor to City Recorder Joan McClanahan who said Council needs to approve the Fire Pension Expenditure budget prior to the end of the year. CITY RECORDER JOAN MCCLANAHAN MOVED WE MAKE THE NITRO FIREMEN PENSION AND RELIEF FUND BUDGET A PART OF OUR MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

EXPENDITURE BUDGET ATTACHED.

AGENDA ITEM NO. 4 – CHANGE STARTING TIME TO 7:00 P.M. FOR COUNCIL MEETING JANUARY 21, 2003: - Mayor Casto said the three Horsemen wanted to come for a meeting January 21, 2003 at 7:30. He said he thought we could conduct the Council Meeting business from 7:00 to 7:30 p.m. COUNCILMAN BOBBY SMITH MOVED WE CHANGE THE STARTING TIME OF OUR JANUARY 21, 2003 COUNCIL MEETING, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: - Mayor Casto yielded the floor to City Attorney April Robertson. She reported the Kanawha County Commission as of 6:30 p.m. this evening approved the city's request to annex the rest of Ridenour Lake.

AGENDA ITEM NO. 6 – RALPH ALLISON: - Mayor yielded the floor to the City Treasurer. Ralph Allison reported they had an auction Saturday morning. It was raining and snowing, but the auction went on. He said he really couldn't call it successful, but he wasn't going to call it unsuccessful. He reported we probably made enough to cover the advertising fee and to pay the employees that worked. He said they have 5 police cruisers and the humane officer's truck that they didn't have any luck with at the auction. As of Monday, he said he had some offers on these vehicles. A gentleman in South Carolina offered $4,200 on all 5 vehicles plus the pickup. Another gentleman in Logan offered $5,400 for all of them, and this evening he received he received a call from a gentleman in Florida that would give $6,050 for all of them. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE TREASURER BE GIVEN PERMISSION TO SELL THEM TO THE HIGHEST BIDDER BY FRIDAY, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGEND ITEM NO. 7 - Mayor Casto asked the Chief to explain about the car that was donated to us. Chief Jordan informed that Crown Pontiac Automobile Dealer gave us a vehicle to auction with the proceeds going for the playground. He said the auction was unsuccessful, and they tried other avenues. Crown Pontiac offered to take the vehicle back and sell it with the money received coming back to the children's park. Mayor Casto thanked Chief Jordan and his department for all the hard work on this project.

Mayor Casto announced that the Chief would be starting the background work on the top three finishers of the fire test.

There will be a cookout Friday from 11:30 a.m. until 1:00 p.m. He said he would love for Council to stop by and eat lunch.

Mayor Casto said that thanks to Councilwoman at Large Brenda Tyler there were several residents at Riverside Nursing Home that had a nice Christmas party this evening. He said our men came over and took chairs to the nursing home for their party.

Mayor Casto announced our trout tournament Saturday from 8:00 a.m. until 5:00 p.m.

Councilman Bobby Smith wished everyone a Merry Christmas and a Happy New Year.

Councilman David Miller asked if the Mayor had talked with A. J. Hill about working on the lights up at the Lake. Mayor asked Chief Jordan to bring them up-to-date on the spraying fountains and lights at the lake. Chief Jordan reported they have a timer and they are waiting to get one box wired up. The poles are already there.

Councilman A. A. "Joe" Savilla reported that Councilman at Large Richard Savilla and his family have the stomach flu and that is why he couldn't be here this evening. Councilman Joe Savilla thanked Mayor Casto for inviting the Poca Dots as

well as Jim Dagostine. He said he had a group of Boy Scouts wanting to come to the first meeting in January. He wished everyone a very Merry Christmas and a Happy New Year. He said if he didn't see us Friday, he would see us next year.

Councilwoman at Large Brenda Tyler said she wanted to wish everyone a Merry Christmas and thank everybody for their help through the year with the playground. January 1st is just around the corner and we will get started again.

COUNCILMAN HARRY MILLER, III MOVED WE APPROVE THE SANITARY BOARD MINUTES AND MAKE THEM A PART OF OUR MINUTES, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA.

MINUTES ATTACHED.

There being no further business, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

NITRO FIREMENS' PENSION & RELIEF FUND

ESTIMATED EXPENDITURE BUDGET

2003

PENSION DISBURSEMENTS (Includes 1.2% est. CPI)\	$ 170,552.16
SHARP ELECTRONICS (COPIER)	3,153.84
ACTUARY	6,300.00
SECRETARY	480.00
MISC. EXPENSE	1,000.00
	$ 181,686.00

MINUTES OF THE MEETING
OF THE
NITRO SANITARY BOARD

Counties of Kanawha and Putnam, West Virginia

October 29, 2002

Those Attending: Chairman, Rusty Casto; Board Members, BS Saluja, , Kim Painter, Secretary/General Manager, Danny Lewis, Treasurer Max Lemma, Attorney Denny Vaughan, S&S Engineers ,Ashok Sanghavi,

Visitors:

Call to Order Chairman Casto called the meeting to order

Approval Of Minutes: Mr. Saluja made a Motion to approve the September 24, 2002 minutes. Mr. Painter seconded and Motion was passed.

Financial Report: Mr. Lemma told the Board the PSC report has been completed and sent to the Public Service Commission. He said that Mr. Lewis has copies if anyone would like one.

Equipment Purchase: Mr. Lewis told the Board he has 3 quotes for a 4 wheel drive extended cab truck. He said the first quote is from C&O Motors with a quote of $23,220.00. The second quote is from General Truck Sales with a quote of $21,816.00. Mr. Lewis said the third is from Turnpike Chevy with a quote of $23,792.86.

Mr. Painter ask Mr. Lewis if we needed a 4 wheel drive truck. Mr. Lewis said yes, we need one for when we go out to the farms where we take our sludge as well as for general use.

After looking over the quotes Mr. Saluja made a Motion to purchase a 4 wheel drive extended cab truck from General Truck Sales for a price of $21,816 dollars. Mr. Painter seconded and Motion was passed.

System Mapping: Mr. Sanghavi told the Board the mapping should be complete next month. He said Mr. Lewis will need to purchase an AutoCAD lite program for his computer. Mr. Painter told Mr. Lewis to get this program so when the mapping gets finished he will be ready.

Other Business

Adjournment: Since there was no further business to discuss Mr. Saluja made a Motion to adjourn. Mr. Painter seconded and Motion was passed.

CITY OF NITRO

COUNCIL MEETING MINUTES

JANUARY 7, 2003

Mayor Rusty Casto 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, Timothy 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.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

COUNCILMAN DAVID MILLER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 12-17-02 COUNCIL MEETING MINUTES:- COUNCILMAN HARRY MILLER MOVED THE COUNCIL MEETING MINUTES OF 12-17-02 BE APPROVED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Mayor Casto said he would come back to this agenda item.

AGENDA ITEM NO. 3 – REMINDER – 1/21/03 COUNCIL MEETING BEGINS AT 7:00 P.M. – Mayor Casto reminded everyone that the January 21, Council Meeting will start at 7:00 p.m. The members of the House of Delegates and some members of the State Senate will be here around 7:30 p.m. for the town meeting.

AGENDA ITEM NO. 4 – SWIMMING POOL UPDATE: - Mayor Casto reported that City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler along with Mark Jarrett, Chief Jordan and A. J. Hill and himself have been talking about a liner for the pool. They are going to have to get a liner for the pool in the next couple years due to the leak. COUNCILMAN BOBBY SMITH MOVED WE ADVERTISE FOR BIDS FOR A LINER FOR THE POOL, SECONDED BY COUNCILMAN DAVID MILLER AND WAS UNANIMOUSLY APPROVED. Director of Public Works A. J. Hill and Pool Manager Mark Jarrett are working on the specs. Councilwoman at Large Brenda Tyler commented that this is something that we knew we were going to have to deal with sooner or later and we have got to make some improvements at the pool if we are going to keep the recreation area open. We need to do some work on the baby pool this summer so we need to get estimates so we will know how much money we will need to raise. Councilman Harry Miller, III said we might want to talk with Mark Jarrett as we might want to look at the entire plumbing system over there. Mayor Casto said he would like permission to put the spray park out for bids. It's not that we are going to buy it

necessarily, but we would have some prices on it. CITY RECORDER JOAN MCCLANAHAN MOVED WE PUT THE SPRAY PARK OUT FOR BIDS, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. Attorney April Robertson said she had a draft of a weapons ordinance. She said before she brought it before Council for review she wanted to go over it with Chief Jordan.

AGENDA ITEM NO. 6 – RALPH ALLISON:- Not present this evening.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: - Mayor Casto said he wanted to address AGENDA ITEM NO. 2 at this time.

Mayor Casto said that Councilman Bobby Smith always supports him and his wife quarrels about him, and he wanted to make both of them January Citizens of the Month. They are always there to help, and he appreciates all the work they do. They received a big round of applause.

Councilwoman at Large Brenda Tyler said she appreciates Councilman Bobby Smith very much. He is always there no matter what. He is there to do his part and she greatly appreciates it, and thanked him for being her friend.

Mayor Casto said he knew the family was going through a difficult time, and if they needed anyone to talk with to come on down.

Mayor Casto yielded the floor to City Recorder Joan McClanahan to announce the February Citizen of the Month. Recorder Joan McClanahan reported that according to a sign in Dr. John Stewart's office they are closing the office March 28, 2003 due to the malpractice insurance problem the state is having. Dr. Stewart is 87 years old and like Casto Hardware, he has been a permanent fixture in Nitro for so many years, and the last of the breed of the family doctor that some of us remember, and will be a great loss to the town. The Mayor will name Dr. Stewart February Citizen of the Month.

Mayor Casto told Council to watch Dateline NBC next Tuesday. He said they were in Nitro walking around and asking about the cloning and the New York Post was here last Friday. Fox News is coming tomorrow and CNN is somewhere between here and Atlanta.

Mayor Casto announced that they stocked Ridenour Lake yesterday with 17 hundred pounds of trout.

Councilman David Miller said he was approached by some residents over on Broadway Avenue about the apartment complexes that are back to back. They have been bringing their trash out all through the week and putting it along the curb at Broadway

Avenue. It is a pretty big mess. He said he looked at the situation to see if we could work something out with the residents to put their trash at the far end of their parking lot. There is an area there where they can stage their garbage and let it be picked up in one place. When they put it out on the street, it is really not even close to their apartments. Councilman Miller said he thought it would be more convenient for our workers to pick it up at one central location at the apartment complex. Mayor Casto said he would get with A. J. Hill and they would look at this. Councilman David Miller said by moving the garbage pickup on-site, the neighbors would help police it a little better.

Councilman Bobby Smith said he received a call from a lady and she gave him three apartment numbers that are placing most of the garbage on Broadway Avenue.

Councilwoman at Large Brenda Tyler expressed her sympathy to Councilman Smith in the loss of his twin grandbabies. She said her prayers were with him, his son and his wife.

Councilwoman at Large Brenda Tyler said there were three people on the Nitro Development Authority whose term expired in December. Mayor Casto answered he received the letter this afternoon after the agenda had been distributed, and he was going to put it on the agenda at the next meeting. They are Ken Kniceley, Carmen Kostelansky and Mary Trout.

THERE BEING NO FURTHER BUSINESS TO BE ADDRESSED, 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

COUNCIL MEETING MINUTES

JANUARY 21, 2003

Mayor Rusty Casto called the meeting to order at 7:00 p.m. in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Timothy Sizemore, Councilmen David Miller, Bobby Smith and Harry Miller, III. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent were Councilman at Large Richard Savilla and A. A."Joe" Savilla.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

JOHN MONTGOMERY LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 01-07-03 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE COUNCIL MEETING MINUTES OF 1-7-03 BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 2 – SWIMMING POOL UPDATE: - Mayor Casto yielded the floor to Mark Jarrett and asked for an update on the swimming pool. Mr. Jarrett said that in response to what a PVC liner was he passed samples around for Councils review. He said cost for the liner and this would include fixing the cracks in the pool is $50,000.00. We would need to drain the pool and have it dry when they get here. This liner carries a 10 year warranty on the material itself and the seams. Any chalk joints only have a one year warranty. Labor is included. Their people would come back and fix it. We will have to furnish the company a copy of blueprints of the pool. Mr. Jarrett had a copy of a bid received last year which was only to replace the coping (the stone edge along the rim of the pool) and sandblast the pool was $31,000. The coping was $12,000 and that is something that still needs to be done. The liner will not take care of that edge. The reason it needs to be replaced is because it is 35 years old, it's concrete and is falling apart. It has been painted numerous times and it is now slick. We still need to look at replacing it at $12,000. It would cost $18,000 for the sandblasting, just to take the old paint off. This would not fix the leak. Mr. Jarrett said he feels the liner is the way to go.

Councilman Timothy Sizemore asked if they had included anything about fixing the deck, and he said they did not have anything included in that. Mr. Jarrett said they were going to try and do the deck themselves.

Mayor Casto said he had grants for $50,000 and if the grants come through like he thinks they will and before the homecoming and other means of finances we are already

at $50,000.

Mr. Jarrett informed that the Health Department said they would not allow the baby pool to open this year unless we had a filtration system on it. Mr. Jarrett said he would check on the price of a filtration system.

Mayor Casto said we would put the liner out for bids and then come back to Council.

AGENDA ITEM NO. 3 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney. City Attorney April Robertson said she had two ordinances for Councils' consideration. The first ordinance prohibits dogs and other domestic animals from all properties and recreational facilities controlled by or under the jurisdiction of the City of Nitro. After discussion, Council agreed that City Council could designate the areas where domestic animals would not be allowed and would be marked by signs. City Attorney April Robertson said that since this is changing a codified ordinance and has enforcement and penalty provisions, it will take two readings. COUNCILMAN HARRY MILLER, III MOVED WE READ TITLE ONLY, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. Councilman at Large Timothy Sizemore read title, "An ordinance prohibiting dogs and other domestic animals from all properties and recreational facilities controlled by or under the jurisdiction of the City of Nitro including parks, playgrounds, or school facilities being used as part of the City's recreational program". COUNCILMAN HARRY MILLER, III MOVED FOR THE ADOPTION ON FIRST READING, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

City Attorney April Robertson introduced ordinance for prohibition of deadly weapons on City property specifically City Hall, the Community Center Council Chambers, Municipal Court, Nitro City Park, Ridenour Lake, Children's Park, City Pool, Nitro Public Library and the Public Works Department. City Attorney April Robertson said that due to the way it has been designed, based upon the grave nature of the subject matter, it has been drafted under the emergency provisions of Chapter 8, Article 11, Section 4 of State Code which allows them to dispense with two readings of the ordinance if the City declares an emergency situation and this is the way the ordinance was presented to her. She advised that it could be passed on the first reading and adopted tonight if it is Councils' desire. The title of the ordinance is Prohibition of Deadly Weapons. Councilman at Large Timothy Sizemore questioned under (b) what defines City property. Attorney April Robertson said she thought the intent of the ordinance was to limit it to buildings such as the ones mentioned. The draft ordinance that was provided by Chief Jordan had several paragraphs and each one talked about who the sponsor was. Councilman at Large Timothy Sizemore said the way the ordinance sounds as if you are trying to say city property, and most people construe city property as being a right-of-way, a sidewalk or a street, and City Attorney responded city facility. City Attorney April Robertson pointed out that there are other code sections within our Code 545. that deal with exceptions to this. She said carrying concealed weapons is

already covered under State Code. Councilman Harry Miller, III asked if a person would go to Ridenour Lake with a handgun with the intention of going outside of City property to target shoot. He wanted to know if this would be violating this ordinance, and was told that this would probably fall outside the scope of this. Chief Jordan said he feels this would fall under the State Code. COUNCILMAN HARRY MILLER MOVED WE DECLARE AN EMERGENCY AND READ TITLE ONLY, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. Mayor Casto read title, "Prohibition of Deadly Weapons – 545.02 Carrying Deadly Weapons". COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE ADOPT ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS UNANIMOUSLY APPROVED.

ORDINANCE 03-01 ATTACHED.

City Attorney April Robertson said she had in her notes the new appointments to the NDA. Mayor Casto said he was waiting until after the Committee Meeting to address this matter.

AGENDA ITEM NO. 4 – RALPH ALLISON: - Nothing to report except the first budget meeting is scheduled February 10, 2003.

AGENDA ITEM NO. 5- MAYOR'S COMMENTS: - Mayor Casto said he wanted to thank Chief Jordan and Councilman David Miller for getting the lights up at the lake over the weekend.

Councilman at Large Timothy Sizemore read a letter of commendation from Tri-State Express to Lt. Michael Chatterton and from Amanda Mullins to Captain Terry Thompson.
LETTERS ATTACHED

City Recorder Joan McClanahan said she wanted to publicly think the Woman's Club for providing refreshments for tonight. They do a fantastic job.

Paul Neilbaski, a representative of the Knights of Columbus 4th Degree of which Holy Trinity is part of their organization. Next Monday at 7:00 p.m. they are having their second annual Blue Mass and that Blue Mass is a service to honor police, firemen, emergency services personnel and anyone that protects us on a daily basis. He invited the Mayor and everyone on the Fire and Police Departments. The service will last about an hour and refreshments will be served around 8:00 p.m.

There being no further business to be conducted, the meeting was adjourned.

Rusty Casto
RUSTY CASTO, MAYOR

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 03-01

PROHIBITION OF DEADLY WEAPONS

Whereas, it has been determined that in order to promote and protect the health and safety and welfare of the public it is necessary to regulate the possession of firearms and other dangerous weapons, and

Whereas, the common council of the City of Nitro has found and determined that the easy and convenient availability of certain types of firearms and weapons have increased the potentiality of firearm related deaths and injuries, and

Whereas, handguns play a major role in the commission of homicide, aggravated assault, and armed robbery, and accidental injury and death.

Whereas, the adoption of this ordinance is a matter of pressing public emergency affecting the public health, safety, and morals of the City, as the Council, on information and belief, does affirm that dangerous and deadly weapons are frequently being carried upon public property and into City facilities endangering City employees and members of the public alike.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Nitro, West Virginia, as follows:

Due to the emergency as hereinbefore stated, the requirements of West Virginia Code § 8-11-4 are hereby dispensed with. The provisions of this ordinance shall take effect immediately from and after its passage and adoption according to law.

Article 545 of the Codified Ordinances of the City of Nitro, West Virginia, be and is hereby amended by repealing and amending the following section:

545.02 CARRYING DEADLY WEAPONS

(a) No person shall carry a concealed deadly weapon without a State license or other lawful authorization established under the provisions of West Virginia Code § 61-7-4 et seq. (1975 Code 15-32)

(b) It shall be unlawful for any person to carry on or about his person any deadly weapon at any type of function, regardless of sponsor, that is held on City property including, but not limited to, City Hall, Council Chambers, Municipal Court, Nitro Community Center, Nitro City Park, Ridenour Lake, Nitro Children's Park, Nitro City Pool, Nitro Public Library, or the Nitro Public Works Department.

(c) Security measures necessary to carry out the intent of section (b) of this article shall be implemented to ensure the public safety.

(d) Any person violating sections (a) or (b) of this article shall be guilty of a

misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars or incarcerated for up to six months for each such offense. Upon conviction of a violation of section (a) or (b) of this article, any weapon seized shall be confiscated by the municipal court and when no longer needed for evidentiary purposes, the court may transfer such weapon to the police department to be held and disposed of in accordance applicable law.

(e) Voluntary delivery to police department.

(1) If a person voluntarily and peaceably delivers and abandons to the police department any weapon as defined in Article 545.01, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this article with respect to the weapon voluntarily delivered. Delivery under this section may be made at the headquarters of the police department or by summoning a police officer to the person's residence or place of business. Every weapon to be delivered and abandoned to the police department under this paragraph shall be unloaded and securely wrapped in a package and in the case of delivery to the police headquarters, the package shall be carried in open view. No person who delivers and abandons a weapon under this section shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any weapon delivered or abandoned under this paragraph.

(2) Whenever any weapon is surrendered under this section, the police department shall inquire of all law enforcement agencies whether such weapon is needed as evidence and if the same is not needed as evidence, it shall be destroyed.

(f) All weapons ordered confiscated by the court under the provisions of section (d) and all weapons received by the police department under and by virtue of section (e) shall be held and identified as to owner, where possible, by the police department for a period of five years prior to their being destroyed.

(g) Nothing in this ordinance shall be construed or applied to necessarily require or excuse noncompliance with any provision of the laws of the State of West Virginia or to the laws of the United States. This article and the penalties proscribed for violation hereof, shall not supersede, but shall supplement all statutes of the State of West Virginia or of the United States in which similar conduct may be prohibited or regulated.

(h) If any provisions of this article or the application thereof to any person or circumstance is held invalid, the remainder of this article and the applicability of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Passed and adopted on 1st reading pursuant to W. Va. Code § 8-11-4(d)(1): 01-21-03

Rusty Casto, Mayor

Joan McClanahan, Recorder

GENERAL OFFICE, 302 THIRD AVENUE, WEST, P. O. BOX 7458, HUNTINGTON, WV 25776-7458

TRI-STATE EXPRESS

(304) 529-1730 (888) 562-3344 FAX (304) 529-1735

December 23, 2002

Lieutenant M. Chatterton
NITRO POLICE DEPARTMENT
20th Street & Second Avenue
Nitro, WV 25143

RE: Stolen Freight - Big Screen TVs - Case Solved

Dear Lieutenant Chatterton:

We cannot let the year get by without formally thanking you for solving our case involving the freight theft of big screen TVs and computers from our terminal at 2426 Route 60 in Hurricane, WV 25526. Your successful investigation with Sargent McComas of the West Virginia State Police lead to the recovery of all of the stolen merchandise, over $10,000 worth.

We never thought we would see this merchandise again. Due to your hard work, persistence and know how, we not only recovered all of the merchandise but you caught the culprits as well. Our shipper let us repackage the big screen TVs and they were returned to them. The computers were delivered to the rightful owner. As a result of your efforts, our potentially large claim will be minimal.

Your investigation gave us a new respect for the NITRO POLICE DEPARTMENT. Thank you for solving our case. You did it professionally, with respect and dignity for all of those involved. We are lucky to have you in the NITRO POLICE DEPARTMENT.

Thanks again. Best wishes for a safe and happy holiday season.

Sincerely,
TRI-STATE EXPRESS, INC.

Keith Earles
President

Captain Thompson,

2 January 2003

Please accept this written thank you for your assistance on 31 January 2002.

Without hesitation, you arrived on scene to assist me with my car dilemma. I could never thank you enough for what you did for me. I am a single mother and every penny has to be stretched. To spend another fifty dollars would have left me literally penniless. I realize that there are greater duties that deserve more noteworthy recognition. However, the assistance that you gave me that evening will leave me indebted to your kindness.

Your marked ability and intense loyalty to your duties as a policemen, inspires citizens to a greater confidence of our protection.

Very Respectfully,

Amanda Mullins

CITY OF NITRO

COUNCIL MEETING MINUTES

FEBRUARY 4, 2003

Mayor Rusty Casto 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, Timothy 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.

Mayor Casto welcomed Scout Troop #68 from the Cross Lanes United Methodist Church. They are working on their citizenship and community merit badges.

Mayor Casto asked everyone to please stand in a moment of silence in memory of the astronauts we lost Saturday.

THE INVOCATION WAS GIVEN BY COUNCILMAN BOBBY SMITH.

A COUPLE OF SCOUTS LED THE PLEDGE OF ALLEGIANCE.

Mayor Casto informed that Councilman Bobby Smith represented the City today at 1:00 p.m. at the memorial service for the astronauts which was held at the Capitol, and thanked him for going. Councilman Smith announced it was a fine service.

AGENDA ITEM NO. 1 – APPROVAL OF 01-21-03 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER MOVED THE COUNCIL MEETING MINUTES OF 01-21-03 BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA AND COUNCILMAN A. A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEMS NO. 2 & 3 – CITIZEN OF THE MONTH: - RECEPTION FOR DR. STEWART:- Mayor Casto yielded the floor to City Recorder Joan McClanahan. City Recorder Joan McClanahan advised that Mayor Casto had previously announced that Dr. John Stewart, a local physician for 60 years and most of those years have been in his Nitro office on 24th Street was Citizen of the Month for February. He is retiring at the end of March, and on Sunday, March 30, from 2:00 p.m. until 4:00 p.m. in the cafeteria at the Nitro Community Center there will be a reception for him. Everyone is invited and encouraged to come. Mayor Casto advised that the only reason he is retiring is because the insurance company would not renew his malpractice insurance.

AGENDA ITEM NO. 4 – ARLIE (SMITTY) SMITH & GARY FISHER:-Mayor Casto announced the retirement of our Humane Officer Gary Fisher, and Arlie "Smitty" Smith, a mechanic from Public Works. Gary has been the Humane Officer for the City

for 18 years. Smitty suffered a stroke last month and he is improving, but decided to go ahead and hang it up. He has worked for the City over 25 years. Mayor Casto presented them with two dinners from Diehls and mentioned that Gary had two oyster dinners. They received a big round of applause. They will be sadly missed. Smitty said he really appreciated working with everyone. He said that instead of working against each other, these last few years they have been working together and making the town a lot better. Gary said he has enjoyed working with all the men and if he ever needed help, he always got it. He received support from everyone.

Councilman Harry Miller, III said he has enjoyed working with both of them.

Councilman A. A. "Joe" Savilla said he has known both of the men for a long time, and it has been a pleasure working with both of them. He said he told Smitty that he would have to at least come down and give him a hard time or he might think something is wrong.

Councilman David Miller said he knew Smitty was a good mechanic because he kept Jeff's taxis on the road.

Director of Public Works Alex Hill, Jr. said it hasn't completely sunk in that these two are gone and the value that they have been. It has been a pleasure to work with both of them.

Councilman at Large Timothy Sizemore told Gary that nobody can catch those pot bellied pigs like he could.

Mayor Casto told both men that he would miss them, and that the door is always open if they want to come back to visit or put in a few hours. They received another big round of applause.

AGENDA ITEM NO. 5 – NDA APPOINTMENTS: - Mayor Casto said the NDA sent a letter to the City requesting the renewal appointments of Ken Kniceley, Mary Trout and Carmen Kostlansky. CITY RECORDER JOAN MCCLANAHAN MOVED WE APPOINT THESE THREE TO THEIR RESPECTIVE TERMS, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. Ken Kniceley and Carmen Kostlansky were sworn in by Mayor Casto.

AGENDA ITEM NO. 6 – OPENING OF BIDS – POOL LINER: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder Joan McClanahan advised they received two sealed bids, both from Indiana. Councilwoman at Large Brenda Tyler opened bid from Natare Corporation for $42,500. City Recorder Joan McClanahan informed that both bidders requested the specs be sent by FedEx and returned them by FedEx and paid this expense. They were also sent a copy of the blue prints of the pool. Councilman at Large Richard Savilla opened bid from RenoSys Corp. for a bid of $41,695. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE PLACE THIS IN COMMITTEE AND DISCUSS THIS IN THE MEETING SCHEDULED FOR

NEXT MONDAY NIGHT, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Mayor Casto said we will either have to get a liner or fill the pool with dirt.

AGENDA ITEM NO. 7 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. City Attorney April Robertson said she had the second reading of ordinance regarding domestic animals. COUNCILMAN HARRY MILLER, III MOVED TO READ TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. Mayor Casto read title, "AN ORDINANCE PROHIBITING DOGS AND OTHER DOMESTIC ANIMALS FROM ALL PROPERTIES AND RECREATIONAL FACILITIES CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF NITRO INCLUDING PARKS, PLAYGROUNDS, OR SCHOOL FACILITIES BEING USED AS PART OF THE CITY'S RECREATIONAL PROGRAM". COUNCILMAN AT LARGE RICHARD SAVILLA MOVED FOR THE ADOPTION OF ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

ORDINANCE 03-02 ATTACHED.

AGENDA ITEM NO. 8 – RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. Mr. Allison advised that Mayor Casto, Building Inspector Bryan Casto along with himself met with gentlemen from the Soil Conservation Agency. They are in charge of maintenance on all the dams in West Virginia. They have a new program out where they will put up so much money and we match it and it is just used for maintenance of the dam. He said they tentatively agreed on $2,000 a piece. We must write them a check for $2,000 and they take it and put it into an account for us, and they put $2,000 in this account. They get with us and agree on what maintenance needs to be done on the dam. We do it and then we send a bill and they reimburse us from the funds. Mr. Allison said he feels this is a good project. Mayor Casto said the representatives mentioned the headwall and getting the trees removed from the creek just below the dam. Mr. Allison informed that if for some reason we don't use the money, it stays in the account and builds up. This would be a good thing in case we have a major problem. Mayor Casto and Bryan Casto pointed out that the representatives said Ridenour was the best maintained dam in the State. Councilman Harry Miller, III said he has done some fishing at two other smaller towns up on Elk Two Mile that was built about the same time as Nitro, and there is no comparison of the facilities. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MAYOR BE GIVEN PERMISSION TO SIGN THE AGREEMENT AND START OUR FUNDS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

City Treasurer reminded everyone about the budget meeting Monday, February 10, 2003 at 7:00 p.m. in the training room at the Fire Department due to Court in Council Chambers.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: - Councilman A. A. "Joe" Savilla asked if the Mayor had called about the street lights on 22nd Street, and the Mayor

answered that he had and also one on Asbury. Councilman Joe Savilla said he thought there may be a short in the light between the Catholic Church and the Baptist Church.

Councilman Harry Miller, III reported at the meeting between the joint committee with the Sanitary Board they discussed a number of matters, probably the foremost of which is preliminary analysis proposal by South Putnam PSD to reserve some of the excess capacity we have at the plant now. They would like to reserve that with an eye toward actually bringing the sewer across the river to our pumping station and through our plant. This is a very good proposition for both agencies because South Putnam won't have to build treatment facilities and will absorb quite a bit of our overhead for that service when this proposal comes into operation and more and more sewage has been put into our plant. The other matter discussed was the progress on the combined sewer overflows. They will develop a long term plan to deal with this. The sewer mapping is well underway. They will have a very accurate map of City boundaries and sewers very shortly, and this is something they haven't had for a long time. Councilman Harry Miller, III said speaking as Chairman of the Committee, I think they are doing very well in terms of managing our sewer system compared to several other communities in the area that are looking at massive expenditures to keep their plants up-to-date. He said our plant is up-to-date and has extra capacity. He said he would like to commend our Board.

Councilman A. A. "Joe" Savilla said he would like to recognize the Scout Troop again. This is one of the finest organizations any young man could belong to, as the Girl Scouts are for girls. They are the doctors, lawyers, astronauts, and teachers of the future. They received a big round of applause.

Councilman A. A. "Joe" Savilla announced that the youth group of his church is having a fund raiser, a spaghetti dinner, on Sunday, February 16, and invited everyone. He said he would be cooking the sauce.

Mayor Casto confirmed with Chief Jordan that we will be increasing its police efforts to keep beggars and panhandlers from soliciting on city streets. He said the city already has an ordinance similar to the one St. Albans City Council passed Monday night.

Councilman Joe Savilla asked if we have an ordinance on the books about cars sitting along the streets with no wheels, license or sticker. He informed we have such a car sitting around 3939 39th Street sitting on cinder blocks, and asked the Chief if he would check on this.

Councilman Joe Savilla asked the City Recorder Joan McClanahan if she had found anything in the minutes about Brookhaven. She hadn't as of yet, but invited John Montgomery and Councilman Joe Savilla to come and help.

Councilman at Large Timothy Sizemore said we need to form a committee to look into the traffic situation over at the elementary school. He said the county is lagging way behind to provide a safe area for drop off and pickup of kids. We have got to do something before someone gets hurt. Councilman David Miller said the situation was

helped by bringing them in one way. He said there were too many cars. Councilman Sizemore said maybe we can work with the county on it and make another drop off area. Mayor Casto said Mr. Alford gave us permission to come in behind the school and clean it out for a parking lot and an alley from the corner of the community center up to the elementary parking lot, to make it a drive thru and parking lot. Councilman at Large Tim Sizemore said they are dropping children off in the inside lane and they are running between cars. Councilwoman at Large Brenda Tyler said we need someone from Council to attend a PTO meeting and talk with them. She said she didn't know who explained it to them before, but they thought it would be more dangerous to change the traffic pattern than it is now. Councilman David Miller said the door on Second Avenue should be allowed for student drop off also. Councilman Sizemore suggested we meet and come up with something to resolve the problem and then approach someone. The Committee consists of Councilman at Large Tim Sizemore, Councilwoman at Large Brenda Tyler, Councilman David Miller and the Mayor suggested we include the school principal, Mrs. Price along with Chief Jordan.

Councilwoman at Large Brenda Tyler asked when we would be hiring our firemen, and the Mayor said we have a meeting scheduled Monday evening and this can be discussed.

Mayor Casto said we still do not have the official letter to present to the Chief to see if Ernie Hedrick, II who finished number one would accept it. If not, it would be presented to Ronnie King to accept. This will be first on the agenda next Monday night at 7:00 p.m.

There being no further business to be conducted, 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

ORDINANCE NO. 03- 02

AN ORDINANCE PROHIBITING DOGS AND OTHER DOMESTIC ANIMALS FROM ALL PROPERTIES AND RECREATIONAL FACILITIES CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF NITRO INCLUDING PARKS, PLAYGROUNDS, OR SCHOOL FACILITIES BEING USED AS PART OF THE CITY'S RECREATIONAL PROGRAM.

Whereas, the Common Council of the City of Nitro finds that the entry of dogs and other domestic animals into the city parks creates noxious and unsanitary conditions that are a menace to the health, comfort, and safety of the public.

Therefore, be it ORDAINED that Codified Ordinance 927.05 be amended to safeguard the health and well-being of the populace as follows:

927.05 (e) Domestic Animals. No person shall bring within any city park, or permit, have or keep within any city park, any dog or other domestic animal destructive to birds or other wildlife. Any person in any city park who is responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Prohibited in This Area" shall be responsible for the removal of excrement deposited by such animal and its disposal in a sanitary manner. The term "sanitary," as used above, requires an owner, keeper, or person having custody of, charge or control of a dog or other domestic animal to immediately remove all feces deposited by such animal and dispose of same in a sanitary manner. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes of not more than 10 feet in length. Furthermore, digging, urinating, or defecating by any domestic animal on public property are nuisances punishable by law.

Passed on 1st reading: January 21, 2003

Adopted on 2nd reading: February 4, 2003

Rusty Casto, Mayor

Joan McClanahan, Recorder

CITY OF NITRO

COUNCIL MEETING MINUTES

FEBRUARY 18, 2003

Mayor Rusty Casto called the meeting to order in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen A A. "Joe" Savilla, David Miller, Bobby Smith and Harry Miller, III. Also present was City Treasurer Ralph Allison. Absent was City Attorney April Robertson.

THE INVOCATION WAS GIVEN BY COUNCILMAN A. A. "JOE" SAVILLA.

COUNCILMAN AT LARGE RICHARD SAVILLA LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 02-04-03 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED FOR THE APPROVAL OF COUNCIL MEETING MINUTES OF FEBRUARY 4, 2003, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH:- Mayor Casto yielded the floor to the City Recorder Joan McClanahan. City Recorder Joan McClanahan reported that the reception for Dr. John Stewart "February Citizen of the Month" will be held Sunday, March 30 from 2:00 p.m. to 4:00 p.m. in the cafeteria at the Nitro Community Center. She said she spoke with his daughter-in-law and Dr. Stewart is excited about this. She encouraged everyone that knew him to stop by.

AGENDA ITEM NO. 3 – NOMINATION TO NDA: - Mayor Casto said he would like to approve the nominations of Councilman Harry Miller, Councilwoman at Large Brenda Tyler and Mark Sanders. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED TO APPROVE THE NOMINATIONS, SECONDED BY COUNCILMAN DAVID MILLER AND PASSED WITH COUNCILWOMAN AT LARGE BRENDA TYLER AND COUNCILMAN HARRY MILLER, III ABSTAINING. FOR THE RECORD, MAYOR CASTO VOTED IN THE AFFIRMATIVE.

AGENDA ITEM NO. 4 – MARCH 4, 2003 COUNCIL MEETING: Mayor Casto reported that Kemron will be at our March 4, 2003 Council Meeting to talk to Council and area residents about some drums they found that may have to be excavated and to bring everyone up-to-date. By having them present at the Council Meeting, he can have the press, Council, and neighbors here. Councilman David Miller said he suggested they do this while the weather is still cold and this would keep the odor down. Mayor Casto said this is why they want to do it right a way and they will probably start on March 5. It

was suggested at the budget meeting last night to have Council meet at 7:00 pm. then turn it over to Kemron at 7:30 p.m. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE BEGINNING TIME FOR OUR COUNCIL MEETING TO BE HELD ON MARCH 4, 2003 BE 7:00 P.M., SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. City Recorder Joan McClanahan said she would try and get a notice published in the newspaper, and Councilman David Miller said we should distribute flyers to the citizens in the neighborhood.

AGENDA ITEM NO. 5 – REPORT - COUNCILMAN BOBBY SMITH: - Mayor Casto yielded the floor to Councilman Bobby Smith. Councilman Smith stated he wanted to bring Council up-to-date on his work at the landfill. In a letter from Mr. Terry Carrington from the Department of Agriculture, he stated that in approximately 30 minutes of sampling time, he took 137 mosquito larvae from the three sites he visited. He said in his opinion this is, at the least, a serious nuisance level of mosquitoes for residents in the surrounding area. He mentioned that all mosquitoes collected were primarily from three species. Aedes triseriatus (98 specimens) Anopheles quadrimaculastus 22 specimens, and Culiseta melanura (14 specimens.) All three species have been shown to be capable of carrying West Nile Encephalitis in laboratory experiments and/or have tested positive for the virus in the field. He said that based on this, he could say that this poses some risk to residents in the area, but he could not quantify that risk as it depends on a multitude of factors, such as bird populations in the area, human population densities, and average meteorological conditions.

Councilman Bobby Smith said he would like for the City to put an article in the newspaper asking the residents to check to see if they have any container that has water standing. Mr. Carrington said he could not stress enough the importance of maintaining private property in a manner consistent with eliminating mosquito developing sites. During his survey, he saw evidence of clogged rain gutters, containers with standing water, birdbaths, and ornamental ponds, among other things.

Mayor Casto said they would get with Chief Jordan between now and the next Council Meeting to see what he could do about putting the drain line in.

Councilman Joe Savilla thanked Councilman Smith for all his hard work, and the Mayor commented now we know why he was citizen of the month.

Councilman at Large Richard Savilla said that ordinance 1129.04 covered this.

AGENDA ITEM NO. 6 – APRIL ROBERTSON: - NOT PRESENT.

AGENDA ITEM NO. 7 – RALPH ALLISON: - City Treasurer Ralph Allison reminded Council of the next budget meeting Monday night at 7:00 p.m. If they have court, they would have to meet in another room.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: - Mayor Casto reported that we have one more load of salt left. The State has bought it all. Every City is down

to one more load. If we get another storm before the salt comes in, we will have to use sand.

Councilman Joe Savilla said he wanted to thank all the Department Heads for two good budget meetings, and we will probably have two or three more before it is approved. The Department Heads did a super job on preparing their budgets.

The budget meeting will be held in the Board Room at the Nitro Community Center.

Councilman Harry Miller, III said Walker Street is in terrible shape, and the Mayor said as soon as weather permits we will work on this. Also, Benamati Street is starting to cave in where they put the water line in last year. Mayor Casto told him to call the water company.

Councilwoman at Large Brenda Tyler said 21st Street is falling apart.

Councilman Tim Sizemore asked if anyone had seen the new salt truck.

There being no further business, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN,RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

MARCH 4, 2003

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:00 p.m. Present were City Recorder Joan McClanahan, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen A. A. "Joe" Savilla, David Miller, and Bobby Smith. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent were Councilwoman at Large Brenda Tyler, and Harry Miller, III.

THE INVOCATION WAS GIVEN BY DEAN MILLER.

COUNCILMAN DAVID MILLER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 02-18-03 COUNCIL MEETING MINUTES: - CITY RECORDER JOAN MCCLANAHAN MOVED FOR THE APPROVAL OF THE FEBRUARY 18, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She advised that she was approached by Ernie Hedrick from the Fire Department to draft an ordinance modeled after something that they have on the books in Huntington in their Fire Department. It is a code that would allow firemen to carry concealed or open weapons such as the Police Officers do. She asked that either Ernie Hedrick, a representative from the Fire Department or Chief Jordan explain to Council the purpose of having this ordinance. Chief Jordan said what he was told was two or three of those individuals went to some type of school in Huntington and that the Fire Marshal proposed it. They have limited manpower in the Charleston area, and they want members of the Fire Department throughout the valley to be what is called a Task Force agent of the Fire Marshal Service. In the event that they would investigate an arson, they would have the same arrest power as a Fire Marshal. City Recorder Joan McClanahan asked if we wouldn't be as well served by hiring another police officer as it would be to certify the firefighters. Councilman David Miller said the Fire Marshals are spread pretty thin, and the scene must be secured from the time of the incident to the time it is turned over to the Fire Marshal. Someone has to be there with it at all times. You can't leave the scene and come back. City Treasurer Ralph Allison said we must consider the expense into the new budget. Councilman at Large Tim Sizemore stated that this is something they need to look at.

AGENDA ITEM NO. 3 – RALPH ALLISON: - Mayor Casto yielded the floor to City Treasurer Ralph Allison. He advised that Chief Jordan gave members of Council a copy of a letter informing them that we have one officer on military duty right now, and we have another police officer called for duty March 15, and another police officer that is pretty sure would be called for duty. They are trying to rearrange their schedules to cover

all shifts, but it will create some overtime and more expense of about $500 to 600 a week. City Recorder Joan McClanahan asked if we hire another police officer won't it be necessary to send him to the academy or are there people available. Mr. Allison said we are trying to find people available. Chief Jordan responded that we will probably find some certified officers to take the test.

Mr. Allison reminded Council of another budget meeting Monday night at 7:00 p.m.

Councilman David Miller asked the date of the next test. Chief Jordan said the Mayor sent a letter to the Police Civil Service Commissioners requesting a test be given.

AGENDA ITEM NO. 4 – POOL:- Mayor Casto yielded the floor to the Pool Manager Mark Jarrett. Mr. Jarrett said they were told by the Health Department they could not use the wading pool until it was hooked up to a filtration system. The wading pool filtration system would cost $8,849.00 but this would not include any labor. Chief Jordan, Director of Public works A. J. Hill and Mark Jarrett would do the labor.

Mayor Casto informed that Terradon Corporation has been working with us for the past couple months. When they built on at Tri State, they disturbed some wetlands and they are going to have to build some wetlands and do some stream enhancement. Also upgrade recreational facilities and they have chosen Ridenour Lake in which to do the work. They are going to have to build a two acre wetland and upgrade the streams going to the wetland down to the Lake. Mayor Casto advised that the Recorder Mrs. McClanahan, Building Inspector Bryan Casto and Chief Jordan have been working on a detailed recreation plan for them to work with. Mayor Casto said they wanted Council to pass the Memorandum of Understanding and they will bring back concrete plans for Councils' approval. This will give them permission to start on the Master Plan and they will bring it back to Council. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THE MAYOR BE GIVEN PERMISSION TO SIGN THE MEMORANDUM OF UNDERSTANDING WITH TERRADON ON THE WORK AT RIDENOUR LAKE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Mayor Casto said he received two proclamations to designate April to remember murdered children in the United States and also to recognize Children's Memorial Flag Day on the 4th Friday of April. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED WE APPROVE BOTH PROCLAMATIONS, SECONDED BY COUNCILMAN BOB SMITH AND WAS CARRIED.

THERE WAS A 10 MINUTE ADJOURNMENT AND THE MEETING WENT BACK INTO REGULAR SESSION AT 7:30 P.M.

AGENDA ITEM NO. 5 – CITIZEN OF THE MONTH: - Mayor Casto advised that at the first Council Meeting of the month they recognize citizens from our town and name them Citizens of the Month. This month we have four people receiving this award. The first Citizen of the Month award goes to Coach White, and he asked Coach White to

introduce three fine gentlemen who also are citizens of the month. This includes two dinners at Diehls. Coach White is the wrestling coach at Nitro High School. He received a big round of applause. Coach White said wrestling is by far the most demanding sport there is. They must control their weight, make good grades and they are all good students. He introduced Anthony Easter, the 103 pound state champion. Matt Easter is a 4 time state champion. He received one at 103, 112, 119 and this year 130 pounds. He's received a scholarship at Cornell. Mitch Casto won the state championship this year. They all received a big round of applause. All of these young men live in Nitro. Coach White introduced Beverly and Chuck Easter the parents of Anthony and Matt. He introduced Mitch's dad, Dana Casto. Mayor Casto said the four Citizens of the Month would receive a plaque. Mayor Casto commented that he is proud of the boys.

Mayor Casto announced that Coach Vance was present this evening showing his support of the young men.

AGENDA ITEM NO. 6 – REPRESENTATIVES FROM KEMRON REGARDING SMITH STREET LANDFILL UPDATE: - Mayor Casto yielded the floor to Kemron: Chris Amick informed that the main reason for this meeting is to give everyone an idea where the project stands and what the upcoming tasks are. He said he wanted to make sure that everybody that is potentially affected by the project is well informed as to what is going on.

Mr. David Hight informed that this site was a sanitation landfill that began in 1965 and the facility was used primarily for municipal waste disposal through 1971, when operations ceased. During operation of the landfill, FMC Corporation was permitted by the WV Department of Natural Resources to co-dispose industrial waste and plant refuse. In 2002, Nitro agreed to a joint cleanup of the property with FMC.

Mr. Chris Amick advised that on the Phase II Site Investigation they are taking a look at the findings from the first stage and are looking to expand on those with the goal and objective at the end of the process to have a full assessment of the former landfill site so they could have a risk assessment to be able to find out what are the risks to human health and the environment, and said that in order to perform the risk assessment and evaluate risks to human health and the environment they needed to collect some sediment samples from out of the Kanawha River at various locations along the bank. They will also collect various ground water samples and soil samples at various areas around the site.

Mr. Amick said they found some evidence of metallic objects in the area. He said the best way to do this is if they find drums, they would take them off the site to minimize the risk to the residents. He said the best way to do this is if they found drums they would take them immediately off the site to minimize the risk to the residents. The original project scheduled the second round of cleanup to be completed during the winter to lessen the possibility of vapors escaping during the work.

All the reports, once they are finalized, are available from the Library.

A question and answer session followed.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: - Mayor Casto advised that the City Recorder Joan McClanahan is down in her back and the doctor has ordered her to take a few days off. We will miss her around City Hall.

There being no further business to be conducted, COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN BOBBY SMITH AND IT WAS UNANIMOUS.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

PROCLAMATION 03-01

PROCLAMATION

Whereas, crime and the threat of violence have profound and devastating effects on individuals, families and communities in America; and

Whereas, over 24 million people in the United States are touched by crime each year; and

Whereas, the threat and reality of terrorism have challenges *all* Americans to realize the devastating consequences of violent crime, and their important roles in providing support to individuals and communities who are victimized; and

Whereas, crime in America results in significant physical, psychological, financial and spiritual effects on countless innocent victims; and

Whereas, crime victims in every state, U.S. territories and Federal jurisdictions have statutory rights to be kept informed of and involved in criminal and juvenile justice processes, and to be afforded protection, restitution and accountability from their offenders; and

Whereas, there are over 10,000 community- and system-based victim service programs across our nation that provide a wide range of services and support to victims of crime; and

Whereas, in 2003, the Office for Victims of Crime within the U.S. Department of Justice commemorates 20 years of providing leadership to ensure that crime victims are treated with dignity and compassion; and

Whereas, America as a nation continues to face threats to our personal and public safety, and continue to commit its collective energies to help our fellow citizens who are hurt by crime; **therefore, be it**

Resolved, that the Honorable Rusty Casto, Mayor of the City of Nitro, West Virginia, proclaim the month of April, 2003, to be West Virginia Crime Victims Rights Month; **and be it further**

Resolved, that we continue to fulfill the promise of justice and compassion for crime victims as individuals, as communities, and as a nation dedicated to justice for *all;* **and be it further**

Resolved, that a suitably prepared copy of this proclamation to be presented to the Charleston Victims Rights Week Committee.

PASSED BY CITY COUNCIL THIS 4TH DAY OF MARCH, 2003.

RUSTY CASTO, MAYOR

CITY OF NITRO

COUNCIL MEETING MINUTES

MARCH 18, 2003

Mayor Rusty Casto called the meeting to order at 7:30 p.m. in Council Chambers at the Nitro Community Center. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla, Timothy 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.

Mayor Casto asked for a moment of silence due to the situation our Country is in and also Mr. Allison requested prayer for his wife.

ANDRE HAIKAL LED THE PLEDGE OF ALLIEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 03-04-03 COUNCIL MEETING MINUTES: - COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MARCH 4, 2003 COUNCIL MEETING MINUTES BE APPROVED SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED WITH COUNCILMAN HARRY MILLER, III ABSTAINING..

AGENDA ITEM NO. 2 – KANAWHA GATEWAY COMMUNITY PROJECT OFFICE: - Mr. Lowell Wilks advised that since 1979 the City of Nitro has been a sponsor of a program that is administered by the U S Department of Agriculture called Resource Conservation Development. He advised that he was a Federal Employee with that office which he would call RC&D located on Goff Mountain Road. He said they serve 10 different counties. Mr. Wilks furnished members of Council an informative portfolio on the Kanawha Gateway Community Project Office, Great Kanawha Resource conservation and Development Area. Mr. Wilks informed that the purpose of The Kanawha Gateway Community Project Office is designed to offer technical and financial assistance to communities in the development of their resources. He explained that what they are trying to do through this Kanawha Gateway is get a vision particularly on recreation/tourism for this whole valley from Nitro to Pt. Pleasant. Mr. Wilks requested Councils' support for this program and that they write a letter. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF SUPPORT OF THIS PROGRAM AND THAT THEY WRITE A LETTER, SECONDED BY COUNCILMAN AT LARGE TIM SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 3 - BUSINESS OF THE YEAR: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder McClanahan advised that a couple years ago the Mayor along with Council instituted a new program that was called Casto Hardware Business of the Year award. Each year we try to thank and honor a business in Nitro who has contributed above and beyond what is expected in our community. She said she didn't think there was anyone more deserving than this years

recipient, Andre Haikal owner of Nitro Supermarket. Mr. Haikal thanked everyone and said as a citizen of Nitro and Poca he didn't do enough for this town. He said it doesn't matter what he does, it won't be enough. He said that he appreciated being recognized. Mr. Haikal received a big round of applause. Mr. Haikal introduced his family and they too received a big round of applause.

AGENDA ITEM NO. 4 – RESOLUTION IN SUPPORT OF ARMED FORCES: Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler read the proclamation showing support for the young men and women of the Armed Forces ready to engage in conflict in the Middle East. CITY RECORDER JOAN MCCLANAHAN MOVED WE ADOPT RESOLUTION IN SUPPORT OF ARMED FORCES, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. City Recorder Joan McClanahan said she wanted to commend Mayor Casto because this was his idea. Councilman Joe Savilla said he is glad we're not like some of the members of Council of Charleston. Mayor Casto said they were inviting the people of the area to bring pictures of young people in service and they will put them on the walls at City Hall for the young people to write to.

REOLUTION 03-01 ATTACHED

AGENDA ITEM NO. 5 – RESOLUTION FOR SWIMMING POOL LINER: Mayor Casto informed that the Governor gave the City $20,000 to be used for the swimming pool and we had another $4,000 and $900 in other funds. He asked Councilwoman at Large Brenda Tyler to read the resolution. COUNCILMAN AT LARGE RICHARD SAVILLA MOVED THE MAYOR BE GIVEN AUTHORITY TO SIGN THE NECESSARY PAPERS TO MOVE ALL THREE FUNDS INTO ONE AND GET THE MONEY AND APPLY IT TOWARD THE POOL LINER, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

RESOLUTION 03-02 ATTACHED.

AGENDA ITEM NO. 6 – APPROVING EXPENDITURE OF GRANT MONEY: Mayor Casto said he thought Oshel Craigo had retired and he walks in the door and said he had $20,000 for Broadway Avenue. Mayor Casto read a memo he wrote to the members of City Council as follows: "The City of Nitro has recently received a grant of 20,000 dollars for the upgrade of Broadway Avenue. Public Works Director A. J. Hill, has figured a cost of some 11,000 dollars for materials to do the work as outlined in the grant. This leaves enough funding to also upgrade Walker Street from Main Avenue to the river and to upgrade the baby pool. I am asking the city council to approve the expenditure of the 20,000 in the above manner. Thank you and I thank God everyday for our city council. Signed Rusty Casto". COUNCILMAN DAVID MILLER MOVED FOR THE APPROVAL OF EXPENDITURE OF GRANT MONEY IN THE ABOVE MANNER, SECONDED BY COUNCILMAN HARRY MILLER, II.

AGENDA ITEM NO. 7 – APRIL ROBERTSON: - Mayor Casto yielded the floor

to the City Attorney April Robertson. She advised that the only thing she had was she had been discussing with the Treasurer methods that we can start collecting the delinquent municipal service fees.

Councilman Harry Miller, III said he had been reading about Charleston's potential million dollar settlement with City National and asked if there was any potential income to us. Mr. Allison reported Huntington Banks pay us B & O income. Mayor Casto asked about the two credit unions and if they were reporting everything. Mr. Allison said he would check on this. Mayor Casto said he wasn't accusing them of anything, but wanted to know how it checks out.

AGENDA ITEM 8 – RALPH ALLISON: - Mayor Casto yielded the floor to the Treasurer Ralph Allison. Mr. Allison said we need to approve our budget. There is a 7% increase in income and it is getting eaten up by increases in insurance. The total budget is $3,737,561 which is an increase of $251,932 from last year. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE APPROVE THE BUDGET, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. Councilman at Large Timothy Sizemore said there are two parts missing. He said the Sanitary Board's budget is not part of this and is suppose to be reported. Also, the Nitro Development Authority did not give us a budget that they were supposed to give. Councilman Sizemore said he did agree with the City's budget, but the Sanitary Board and NDA's budget should have been submitted for approval by this time. He said that he will approve our budget so the Treasurer can send it in, but he wanted to make it clear that he stated in the record that the two of them did not report their budget again according to what the State Auditor said. Mayor Casto said the Sanitary Board was putting the final figures together, and Councilman Sizemore said they should be made a part. Councilman Sizemore reported that the NDA has changed their meeting dates to the same day and time as the Council Meeting which prohibits council representatives to the NDA to attend. Councilwoman Tyler agreed this was true. Councilman Joe Savilla said council should be able to attend both meetings. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THE NITRO DEVELOPMENT AUTHORITY MEETINGS BE RESCHEDULED SO THAT COUNCIL MEMBERS COULD ATTEND, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. A VOTE WAS TAKEN TO APPROVE THIS YEARS BUDGET AND IT PASSED WITH COUNCILMAN BOBBY SMITH OPPOSING.

BUDGET ATTACHED

Mayor Casto questioned if the Fire Chief's pay would be $39,000 annually, working 8 hours per day 5 days per week effective July 1, 2003 and this was correct.

Councilman A. A. "Joe" Savilla said he had a call Sunday from Donald Boggs on Bailes Drive. Last year the Chief went up and had one junk car moved away, and somebody is moving in a bunch more of junk cars and trashing up the area. We need to get someone up there to check it out. Mayor Casto told him that A. J. Hill and Bryan Casto were up there Monday.

Councilman Joe Savilla asked the City Recorder Joan McClanahan if she had found out anything on Brookhaven. He said we still need to do something about the street situation out there. He asked the Mayor if he would try and get some money to repair this. Also, we need to get some street lights put up out that way.

Councilman at Large Timothy Sizemore mentioned that the Lions Club is having a tough time finding a meeting place. He said they have on many occasions approached the Community Center, "the Center", asking for some kind of space to have their bi-monthly meetings, and they have been turned down flat out. He said it is terrible to have a center called the Community Center and not be able to have an organization as old and as well established as the Lions Club is and they can't find some place to have a meeting. Mayor said he would offer them the Council Chambers to meet in, but it is used quite often by Council, Court, Zoning Board and Planning Commission.

Jay Long said he had been with the Lions Club for 20 years and Hiram King built the building housing the Womens Club, and he doesn't have any records but Mr. King said when he finished it he told the Womens Club that as long as they have an organization, they could meet there, but they don't have anything to go by. Mr. Long advised they have a meeting place now. They meet at the St Albans Shoneys, but he hates to take the Nitro Lions Club out of the City. Councilwoman at Large Brenda Tyler said they could use a room at their church. Jay mentioned a room at the Community Center rented to people by the senior citizens. He said they received a certified letter from the Nitro Womens Club stating they wanted to charge the Lions Club $150.00 a month for two meetings. Councilman Bobby Smith said the room that Jay mentioned was run by the seniors, and he should check with them.

Councilwoman at Large Brenda Tyler said the Bike Track is having an open house starting at noon and she would notify Council the exact date. They are putting a fence in between the bike track and ball field. They are also going to put a new layer of dirt on the track. They have several races planned this year.

St. Paul's United Methodist Church had a prayer service tonight at 7:00 p.m. The sanctuary will be open for the next 24 hours for anyone wanting to come and pray.

City Recorder Joan McClanahan announced that Margaret Hudson, Chairperson of the Planning Commission stopped by this evening and asked that she announce there would be a Planning Commission meeting Tuesday, March 25, at 7:00 p.m., in the Community Center.

Recorder Joan McClanahan reminded everyone of Dr. Stewart's reception on March 30.

City Recorder Joan McClanahan said in Sundays newspaper there was an article called A Whodunit with Local Flavor, about a twisting, turning murder mystery set in Kanawha Valley. It is a book called Cold Quarry by Andy Straka which has an excerpt

from the book in the newspaper. The book will be released April 1. Mr. Straka was in Nitro City Hall for about an hour and a half asking questions and obtaining information.

Councilman A. A. "Joe" Savilla said he feels we should have another moment of silence. Mayor Casto asked everyone to please stand and we would end the meeting with a moment of silence.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

RESOLUTION 03-01

ACTION BY THE CITY COUNCIL OF THE CITY OF NITRO

Whereas, the city council of the city of Nitro, does hereby recognize the need to show support for the young men and women of the Armed Forces, ready to engage in conflict in the Middle East; and

Whereas, the city council does hereby send its love, support and prayers to the young people of the Armed Forces; and

Whereas, the city council does hereby wish for peace, justice and tolerance in the region when the said conflict is over;

Does hereby vote on the said resolution on this the 18th day of March in the year 2003;

The city council by a vote of __8__ in favor of the motion and __0__ against said motion, done on the 18th day of March in the year 2003.

Rusty Casto
RUSTY CASTO, MAYOR

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

RESOLUTION 03-02

ACTION BY THE CITY COUNCIL OF THE CITY OF NITRO

Whereas, the city council of the city of Nitro, does hereby recognize the need for a liner for the municipal swimming pool; and

Whereas, grants from the West Virginia Community Development Office, directed for use by the city council of the city of Nitro, totals some 25,000 dollars; and

Whereas, the city council of the city of Nitro, does hereby give the mayor of the said city permission to apply for all Community Development grant monies to be applied to the liner for the city pool; and

Whereas, the vote of the city council, done on this 18th day of March, 2003, to apply such monies available toward the purchase of a liner for the municipal swimming pool; and

The city council by a vote of 8 in favor of the motion and 0 against said motion, done on the 18th day of March in the year 2003.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

REVENUE	
	June 30, 2004
PROPERTY TAX	929,064
BUILDING PERMITS	40,000
INSPECTION FEES	2,300
PAR INDUSTRIES	168,000
B & O TAX	800,000
THF REALTY-B&O TAX	65,000
UTILITY TAX	220,000
PARKS AND POOL	41,200
LIQUOR TAX	18,000
BUSINESS LICENSES	36,000
DOG TRACK	389,200
INTEREST INCOME	3,000
CIVIC BENEFITS ASSOC	80,000
RENT INCOME	16,100
COURT COSTS	50,000
LIBRARY FEES	500
MUNICIPAL SERVICE	674,197
FRANCHISE FEES	35,000
COAL SEVERANCE	14,000
REIMBURSEMENTS:	
INSURANCE	36,000
CITY CALENDAR	7,000
FIRE TRUCK	54,000
HOSPITALIZATION	16,000
POLICE WAGES	42,000
MISCELLANEOUS	1,000
TOTAL	**3,737,561**
EXPENSES:	
MAYOR	
SALARIES	31,000
RETIREMENT	2,945
FICA TAX	2,372
DUES	2,000
DEPT SUPPLIES	1,000
TRAVEL	500
CALENDAR	7,000
	46,817
CITY COUNCIL	
SALARIES	16,800

RETIREMENT	684
FICA TAX	1,285
SENIOR CITIZENS	5,000
	23,769
CITY RECORDER	
SALARIES	16,500
RETIREMENT	1,568
FICA TAX	1,262
LEGAL ADS	3,500
SUPPLIES	750
TRAVEL	500
RECORD BOOKS	1,000
ELECTIONS	$ 10,000
	35,080
TREASURER	
SALARIES	25,000
FICA TAX	956
CONTRACT SERVICES	2,500
SUPPLIES	100
WORKERS COMPENSATION 7.5	127,145
	155,701
BUILDING INSPECTOR	
SALARIES	30,160
RETIREMENT	2,865
FICA TAX	2,307
DUES	400
DEPT SUPPLIES	3,000
CONTRACT SERVICES	5,000
AUTO SUPPLIES	1,500

UNIFORMS	800
EDUCATION	3,000
	49,032
CITY HALL	
SALARIES	62,117
RETIREMENT	5,901
FICA TAX	4,752
PROFESSIONAL SERVICES	30,000
INSURANCE	144,332
DEPT SUPPLIES	25,000
GROUP INSURANCE	364,000
ELECTRIC	17,000
GAS	6,000
WATER	10,000
TELEPHONE	17,000
FIRE HYDRANTS	12,750
STREET LIGHTING	54,000
	752,852
POLICE DEPARTMENT	
SALARIES	689,929
RETIREMENT	72,000
FICA TAX	52,780
SHELTER FEES	4,800
TELETYPE	3,945
DEPT SUPPLIES	40,000
UNIFORMS	13,000
AUTO SUPPLIES	70,000
AUTO REPAIR	7,500

CRIME PREVENTION	2,000
COMMUNICATION EQUIPMENT	21,000
TRAINING	15,000
RADIO TOWER RENTAL	1,200
EQUIPMENT RENEWAL	12,350
CAPITAL OUTLAY	87,000
BUILDING MAINTENANCE	6,000
MEDICAL EXAMINATIONS	4,000
MEDICAL SUPPLY	1,500
	1,104,004
MUNICIPAL COURT	
JUDGE	6,000
PROSECUTOR	5,000
COURT CLERK	25,140
RETIREMENT	2,388
FICA TAX	1,923
OFFICE SPACE FOR JUDGE	1,200
OFFICE SUPPLIES	500
JUROR FEES	1,000
CRIVE VICTIM FUND	16,000
REGIONAL JAIL EXPENSES	2,000
	50,151
FIRE DEPARTMENT	
SALARIES	368,707
RETIREMENT	72,000
FICA TAX	28,206
VOLUNTEERS	9,000
CONTRACT SERVICES	2,000

DEPT SUPPLIES	20,000
UNIFORMS	8,000
AUTO SUPPLIES	10,000
MAINT & REPAIRS	10,000
TRAINING	10,000
FIRE PREVENTION OFFICER	2,000
EML & PC	7,500
CAPITAL OUTLAY	95,440
	642,853
PUBLIC WORKS	
SALARIES	377,595
RETIREMENT	35,872
FICA TAX	28,886
CONTRACT SERVICES	15,000
DEPT SUPPLIES	45,000
AUTO SUPPLIES	25,000
BUILDING REPAIR	2,000
EQUIPMENT REPAIR	15,000
LANDFILL	205,000
ASPHALT & SAND	20,000
STREET REPAIRS	25,000
	794,353
POOL	
SALARIES	18,000
FICA TAX	1,377
CONTRACT SERVICES	4,800
UNIFORMS	800
POOL CHEMICALS	2,000

SWIM TEAM	1,000
SUPPLIES	8,000
	35,977
LIBRARY	
SALARIES	34,320
RETIREMENT	2,952
FICA TAX	2,625
CONTRACT SERVICES	2,500
DEPT SUPPLIES	600
EDUCATION	375
MAINTENANCE	600
BOOKS	3,000
	46,972

CITY OF NITRO

COUNCIL MEETING MINUTES

APRIL 1, 2003

Mayor Rusty Casto 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 Timothy Sizemore, Councilmen David Miller and Harry Miller, III. Also present was City Attorney April Robertson. Absent were Councilman at Large Richard Savilla, Councilman A. A. "Joe" Savilla and City Treasurer Ralph Allison.

Mayor Casto said we want to remember Ralph Allison and his family in the loss of his wife, troops in Afghanistan and Councilman Bob Smith's wife who will be having surgery tomorrow. Also, we need to remember City Recorder Joan McClanahan as she is having trouble with her hip.

THERE WAS A MOMENT OF SILENCE.

MAYOR RUSTY CASTO LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF MARCH 18, COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MARCH 18, 2003 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: - Mayor Casto announced the Citizens of the Month for April are the Nitro Girl's Basketball team. They had a game this evening and the Coach said they will be here at the next meeting.

AGENDA ITEM NO. 3 – NDA BUDGET: - COUNCILMAN HARRY MILLER, II MOVED FOR THE APPROVAL OF THE NDA BUDGET, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED. Mayor Casto said he had a meeting scheduled with Mr. Brewer, President of NDA and they would address Councils' concerns.

NDA BUDGET ATTACHED.

AGENDA ITEM NO. 4 – SANITARY BOARD BUDGET: COUNCILMAN HARRY MILLER MOVED FOR THE APPROVAL OF THE NITRO SANITARY BOARD BUDGET, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

NITRO SANITARY BOARD BUDGET ATTACHED.

AGENDA ITEM NO. 5 – SWIMMING POOL:- Mayor Casto informed that Mark Jarrett, Pool Manager, Alex Hill, Jr., Director of Public Works and a couple fireman tore out a lot of concrete and fixed the baby pool. Mr. Jarrett said he thought the liner would be here around the end of the month. They said it would be around three to four weeks to put it in. Mayor Casto said that something he wants done is put a roof on the existing bathhouse. Mr. Jarrett said they want to tear out what they have as a pavilion now and extend the roof line they have to accommodate parties and put blue roofing to match the playground. Mayor Casto informed that the cost would be roughly $5,000. He said he might have someone lined up to pay for this, but if not, he wanted to use the proceeds from the swimming pool parties on Sunday night and the fishing tournaments. He asked for Councils' approval. Mr. Jarrett said the people from Indianapolis came down to take a look at the pool and they can extend the liner up and over the slippery space and it is about one-half the price as what replacing the coping would be. He is preparing an estimate with this included. COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF STARTING THE IMPROVEMENTS, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Councilman Harry Miller, III announced he received a telephone call from Councilman David Miller's wife and she advised that Jessica Lynch has been rescued.

AGENDA ITEM NO. 6 – CHANGE COUNCIL MEETING DATE FROM 15TH TO 29TH: Mayor Casto said Kemron Corporation wanted to meet with us again, and report on the Smith Street Landfill and the boat launch. COUNCIMAN HARRY MILLER MOVED WE CHANGE THE MEETING UNTIL APRIL 29, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 – APRIL ROBERTSON: - Mayor Casto yielded the floor to the City Attorney April Robertson. She said the only thing she has this evening is there was a question regarding the meeting date of the NDA, and at the last Council Meeting it was requested that the NDA change their meeting date as it was the same time as the Council Meetings. She advised that the Board has to have one member of the City Council, and according to State Law it states shall be one member. Therefore, the NDA meeting must be changed to another night. Councilman at Large Timothy Sizemore asked if the Mayor and/or Recorder could serve as ex-officio for any municipal Board, and Attorney April Robertson answered that development boards are created by State Law and there is nothing in Chapter 7 about the Mayor and Recorder being ex-officio members. She said although the governing body of city council does have certain powers over the NDA, the NDA itself does have powers to make their rules and by-laws on day to day operating procedures.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: - Mayor Casto announced that he would be swearing in Ernie Hedrick as the new Fire Chief Wednesday morning at 9:00 a.m. and also Shawn Alderman as Captain.

Councilwoman at Large Brenda Tyler said that after hearing our City Attorney April Robertson's defining the NDA requirements, she would like to resign from the NDA Board leaving Councilman Harry Miller, III as council representative.

Councilwoman at Large Brenda Tyler said she met with Ivan Meadows, President of the Little League and they wanted to extend the fence about 10 feet at the girl's field. She said they had it lined off and by moving this back, it would still leave 70 to 75 feet between that fence line and the back part. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED PERMISSION BE GRANTED FOR THEM TO MOVE THE FENCE BACK, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

City Recorder Joan McClanahan said she received a request for approval of the Little League Parade on opening day which is April 5, 2003 at 9:45 a.m. They invited Council to be in the parade. CITY RECORDER JOAN MCCLANAHAN MOVED THE REQUEST BE GRANTED TO THE LITTLE LEAGUE FOR THEIR PARADE, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto said the tentative date of April 10, at 10:00 a.m. he was going to meet with Kemron about the Smith Street Landfill.

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

_____
RUSTY CASTO, MAYOR

Joan McClanahan
JOAN MCCLANAHAN, RECORDER

Nitro Development Authority
Budget
July, 2003 through June, 2004

Income:	
Fee Income	$15,825
Rental Income	159,230
	175,055
Expenses:	
Advertising	1,200
Building Cleaning	18,420
Building Repairs	14,400
Equipment Repairs	900
Lawn Care	2,325
Insurance	3,125
Contract Labor	33,630
Office Expense	660
Telephone	3,840
Utilities	64,910
Miscellaneous	1,500
	144,910
Interest Income	900
Tranfers to Capital Improvements	($31,045)

Budget 03-04

APPROVED BY BOARD

NITRO REGIONAL WASTEWATER UTILITY

FISCAL YEAR 2003-2004 BUDGET

ACOUNT NAME	ACOUNT NO.	BUDGET	MONTHLY BUDGET
DOMESTIC SERVICE	3101	$1,531,546	$127,628.83
INDUSTRIAL SERVICE	3131	$26,241	$2,186.75
PENALTIES	3170	$48,828	$4,069.00
INTEREST INCOME	3201	$18,958	$1,579.83
UTILITY TAX INCOME	3300	$19,382	$1,615.17
MISCELLANEOUS INCOME	3162	$33,160	$2,763.33
TOTAL INCOME		**$1,678,115**	**$139,842.91**
BILLING COLLECT/ACCT.	7951	$25,000	$2,083.33
EQUIPMENT RENTAL	7036	$2,250	$187.50
INTEREST	9026	$124,680	$10,390
LABOR & RELATED EXPENSES	8007	$598,157	$49,846.41
MISC. GENERAL EXP.	8010	$20,170	$1,680.83
PLANT OPERATING EXPENSE	7461	$4,000	$333.33
PROPERTY & LIABILITY INS.	7980	$47,374	$3,947.83
RENT	8030	$8,400	$700
SHOP & LAB	7246	$20,000	$1,666.67
SLUDGE RELATED	7441	$9,000	$750
SPECIAL SERVICES	7970	$39,000	$3,250
SUPPLIES	7930	$27,326	$2,277.17
SYSTEM MAINT. & REPAIR	7952	$69,255	$5,771.25
UTILITIES	7934	$125,298	$10,441.50
VEHICLE EXPENSES	7931	$7,724	$643.67
BOND PAYMENTS		$439,143	$36,595.25
LEASE PAYMENT		$37,296	$3,108
RESERVE & REPLACEMENT		$74,042	$6,170.16
TOTAL EXPENSE		**$1,678,115**	**$139,842.91**

WARRANT

TO MEMBERS OF NITRO CITY COUNCIL

IN COMPLIANCE WITH CITY CODE 123.03 SS B "SPECIAL MEETINGS", THERE WILL BE AN EMERGENCY MEETING OF NITRO CITY COUNCIL, TUESDAY, APRIL 15, 2003 A 3:00 P.M. IN COUNCIL CHAMBERS FOR:

AGENDA

1. LAYING THE LEVY

SIGNED THIS 15TH DAY OF APRIL, 2003.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

RICHARD SAVILLA, CO AT LG.

TIMOTHY SIZEMORE, CO AT LG.

BRENDA TYLER, CO AT LG.

A. A."JOE" SAVILLA, CO WARD I

DAVID MILLER, CO WARD II

BOBBY SMITH, CO WARD III

HARRY MILLER, III CO. WARD IV

CITY OF NITRO

SPECIAL COUNCIL MEETING MINUTES

APRIL 15, 2003

Mayor Casto called the Special Council Meeting to order in Council Chambers at the Nitro Community Center. Present were Councilwoman at Large Brenda Tyler, Councilman at Large Timothy Sizemore, Councilman Bobby Smith and Councilman Harry Miller, III. Also present was City Treasurer Ralph Allison. Absent were City Recorder Joan McClanahan, Councilman at Large Richard Savilla, Councilman A. A. "JOE" Savilla, Councilman David Miller, and City Attorney April Robertson.

AGENDA ITEM NO. 1 – LAYING THE LEVY: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison advised that we need to lay the levy, which we do every year. The law says Council will meet the third Tuesday in April to lay the levy and approve the property tax rates and property tax assessments. He informed that he received a letter from the State Tax Department advising they have approved our budget. COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF THE LEVY RATES, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

There being no further business, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

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RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

APRIL 29, 2003

Mayor Rusty Casto 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, Timothy 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.

COUNCILMAN DAVID MILLER LED THE PLEDGE OF ALLEGIANCE.

MAYOR CASTO ASKED EVERYONE TO PLEASE STAND AND HAVE A MOMENT OF SILENCE. HE ASKED EVERYONE TO REMEMBER THE YOUNG MEN AND WOMEN IN IRAQ AND ALSO THE BRYAN CASTO FAMILY IN THE LOSS OF BRYAN'S WIFE'S GRANDMOTHER. COUNCILWOMAN AT LARGE BRENDA TYLER ASKED TO ALSO REMEMBER CLARENCE MCDANIEL'S FAMILY.

AGENDA ITEM NO. 1 – APPROVAL OF APRIL 1, 2003 COUNCIL MEETING MINUTES:COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF APRIL 1, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 – APPROVAL OF SPECIAL COUNCIL MEETING MINUTES OF APRIL 15, 2003: - COUNCILMAN HARRY MILLER, III MOVED THE SPECIAL COUNCIL MEETING MINUTES OF APRIL 15,2003 BE APPROVED AS WRITTEN SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

AGENDA ITEM NO. 3 – MAY CITIZEN OF THE MONTH: - Mayor Casto said the April citizens of the month are the Nitro High School basketball team, but they are playing softball tonight. However, the May Citizen of the Month was present, Junior Bailey. Mayor Casto said he was the man that keeps our downtown nice and clean. We nearly lost him a few weeks ago, but due to the good efforts of City Recorder Joan McClanahan making him get in his car, and the Mayor passing every stoplight between here and the hospital, he got him there in the nick of time. Mayor Casto presented Mr. Bailey with gift certificates from McDonalds. Mr. Bailey told the City Recorder Joan McClanahan that she did him a favor getting him to go to the hospital. Mr. Bailey said about two weeks after Mayor Casto was elected, he noticed the street was dirty and decided to do something about it. He said he cleaned up in the front of the Dollar General and one lady gave him $2.00 and another gave him $3.00. Mr. Moore told him

that Mayor Casto wanted him to come up and talk with him, and the Mayor gave him a job cleaning the streets. Mr. Bailey recited one of the poems that he wrote. Mr. Bailey received a big round of applause.

AGENDA ITEM NO. 4 – RESOLUTION OPPOSING WATER RATE INCREASE: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Everyone was furnished a copy of resolution opposing a 16.4% rate increase which the Mayor typed and City Recorder Joan McClanahan read. CITY RECORDER JOAN MCCLANAHAN MOVED FOR THE APPROVAL OF RESOLUTION OPPOSING THE WATER RATE INCREASE, SECONDED BY COUNCILMAN DAVID MILLER AND PASSED WITH COUNCILMAN AT LARGE TIMOTHY SIZEMORE ABSTAINING.

RESOLUTION 03-03 ATTACHED.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: - NOTHING TO REPORT.

AGENDA ITEM NO. 6 – RALPH ALLISON: - NOT PRESENT.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: - Mayor Casto announced that Friday from 11:00 a.m. until 2:00 p.m. at the Playground and Saturday from 11:00 a.m. until 2:00 p.m. at the Nitro Elementary they will be having ramp dinners. Funds cleared at the Playground will go to the children's recreation and funds cleared at the school will go to the school. He said he would like to get this started and have it every May.

Councilman Harry Miller, III said the area of Locust and Benamati Streets where WV Water Company put a line through, the concrete is sinking and is starting to collapse. The Mayor said he would call them tomorrow.

Councilman at Large Timothy Sizemore said Mr. Frank Bailey from Fir Street needed some gravel. Councilwoman at Large Brenda Tyler said he came by to see her and said he had been requesting gravel be put up there since January. Mayor Casto said he could confirm this with our Director of Public Works, but there are a lot more streets that need it a lot worse than this one. Councilman Sizemore said he would speak to A. J. Hill regarding this.

City Recorder Joan McClanahan said that she would like to clear up a misunderstanding during a meeting about three or four meetings ago. She said Jay Long reported that the Lions Club could not find a place to meet in Nitro and went to Shoney's in St Albans. Betty Shrewsbury, the person in charge of the rentals for the seniors, came to her and said this was a complete misunderstanding. Mr. Mike Payne from the Lions Club had contacted her and asked about a room. She told him that they would find him a room and he was to get back with her, and she is still waiting for him to contact her. Mrs. Smith told her that they were back meeting at the Woman's Club. Evidently the problem they had has been resolved.

City Recorder Joan McClanahan reported that they have a part-time employee who is in dire straights. Assistant Librarian Kim Ruby's husband has terminal cancer. They have no insurance and he isn't able to work and they are really have it rough. They are going to attempt to have fund raisers and set out some jars throughout the City. This is one of our residents as well as one of our employees. If you are by the Library they are already taking donations.

AGENDA ITEM NO. 8 – KEMRON REPORT: - Mayor Casto introduced Chris Amick and yielded the floor to him. Mr. Amick gave a very informative report on the general project scope and schedule, off-site waste removal activities at Nitro Sanitation Landfill. Mr. David Hight, Project Manager from EPA gave the background. (COPY ATTACHED.)

There being no further business to be conducted, COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MEETING BE ADJOURED, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
LIVING MEMORIAL TO WORLD WAR 1

RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

RESOLUTION 03-03

A Resolution of the Nitro City Council of the city of Nitro, West Virginia

Whereas, the city of Nitro is a small, incorporated town of some 6,700 residents, many of whom live on fixed or low-income; and,

Whereas, the city council of the city of Nitro, understands the West Virginia American Water Company has requested fee increases of 16.4%; and,

Whereas, the citizens of the Kanawha Valley already pay the highest water fees in the United States; and,

Whereas, the said increase in water cost would bring hardship to the citizens least able to afford such increases; and,

Whereas, the city council of the city of Nitro, West Virginia, does hereby declare its opposition to the said 16.4% increase as requested by the West Virginia American Water Company;

Done on this the 29th day of April, in the year 2003 AD, the 140th year of the state of West Virginia and the 71st year of the city of Nitro.

By a vote of the city council, 7 in favor of said resolution and 0 in opposition.

Rusty Casto, mayor

Joan McClanahan, recorder

KEMRON
ENVIRONMENTAL SERVICES

5 Craddock Way ▪ Rock Branch Industrial Park ▪ Poca, WV 25159 ▪ Telephone (304) 755-0999 ▪ Fax (304) 755-0990

Fact Sheet
Nitro Sanitation Landfill
Main and Lock Streets
Nitro, West Virginia

The City of Nitro formerly operated a sanitation landfill at Main and Lock Streets in Nitro, West Virginia. Operation of the Nitro Sanitation Landfill began in 1965 and the facility was used primarily for municipal waste disposal through 1971, when operations ceased. During operation of the landfill, FMC Corporation (FMC) was permitted by the West Virginia Department of Natural Resources to co-dispose industrial waste and plant refuse from their Nitro plant at the Nitro Sanitation landfill. Various investigation and removal actions have been performed by the U.S. Environmental Protection Agency at the site since 1979.

The City of Nitro intends to develop the former Nitro Sanitation Landfill property as a public boat launching facility. In May 2002, the West Virginia Department of Environmental Protection approved the City of Nitro's and FMC's joint request to enter the site into the West Virginia Voluntary Remediation and Redevelopment Program (VRRP) as a Voluntary Remediation site. The VRRP was enacted by the West Virginia Legislature for the purpose of encouraging the voluntary cleanup of former industrialized sites and redevelopment of abandoned or under-utilized properties.

VRRP activities at the Nitro Sanitation Landfill will include the following activities:

- Additional site assessment activities, including additional geophysical survey, to further evaluate potential environmental impacts associated with the Nitro Sanitation Landfill;
- Human health and ecological risk assessments to ensure protection of human health and the environment;
- Removal of off-site sanitary and industrial waste materials;
- Preparation of a Remedial Action Workplan describing assessment activities conducted and a description of the final remedy selected for the Nitro Sanitation Landfill based on the risk protocol and appropriate remediation standards. The Remedial Action Workplan will include a schedule for implementation of the remedy; and
- Implementation of the remedy specified in the Remedial Action Workplan. Initial remedies being considered for the Nitro Sanitation Landfill include capping (i.e. parking lot) as a primary consideration and redevelopment as a public boat launching ramp.

Should you desire additional information concerning activities at the Nitro Sanitation Landfill, please feel free to contact the following persons:

Mayor Rusty Casto
City of Nitro
City Hall
P.O. Box 308
Nitro, WV 25143
(304) 755-0705

David Hight
Project Manager
Office of Environmental Remediation
West Virginia Department of
Environmental Protection
1356 Hansford Street
Charleston, WV 25301
(304) 558-2508

James Bodamer
FMC Corporation
1735 Market Street
Philadelphia, PA 19103
(215) 299-6572

Kemron
ENVIRONMENTAL SERVICES

General Project Scope and Schedule
Off-Site Waste Removal Activities
Nitro Sanitation Landfill
Nitro, West Virginia

APRIL, 2003

Public Meeting (April 29, 2003)
Distribute Access Agreements to Property Owners
Finalize Off-Site Waste Removal Workplan
Burn Existing Brush Piles on Nitro Landfill Property

MAY - JUNE, 2003

Site Preparation
Build Access/Haul Road on Nitro Landfill Property
Haul Clean Soil onto Nitro Landfill and Stockpile for Backfill/Cover Purposes
Construct Lined, Bermed Staging Area for Segregation/Storage of Non-MSW

Off-Site Waste Removal
Finalize Access Agreements for Four (4) Areas of Concern
Remove Sections of Nitro Landfill Perimeter Fencing to Access Each Area of Concern
Excavate Waste Materials from Areas of Concern and Move to Nitro Landfill Property
Backfill Excavated Areas with Clean Soil and Restore Properties (Grade, Seed & Straw)
Replace Sections of Perimeter Fencing as Excavation/Restoration is Completed in Each Area
Segregate Waste Materials: Separate MSW from Non-MSW
Spread MSW on Surface of Nitro Landfill and Cover Daily
Move Non-MSW to Lined, Bermed Staging Area, Characterize, Segregate & Containerize

Waste Disposal
Arrange for Off-Site Disposal of Non-MSW

MSW: Municipal Solid Waste
Non-MSW: Non-Municipal Solid Waste

CITY OF NITRO

COUNCIL MEETING MINUTES

MAY 6, 2003

Mayor Rusty Casto 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, Timothy 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.

MAYOR CASTO ASKED EVERYONE TO STAND FOR A MOMENT OF SILENCE TO REMEMBER THE YOUNG PEOPLE IN IRAQ.

BRYAN CASTO, BUILDING INSPECTOR, LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF APRIL 29, 2003 COUNCIL MEETING MINUTES: COUNCILWOMAN BRENDA TYLER MOVED FOR THE APPROVAL OF APRIL 29, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED WITH COUNCILMAN A.A. "JOE" SAVILLA ABSTAINING.

AGENDA ITEM NO. 2 – POOL: - City Recorder Joan McClananhan had spoken with Pool Manager Mark Jarrett concerning installation of the pool liner. Mark has been in contact with Natari, the company contracted to do the work, and they keep putting him off on dates when the work would be done. Eventually they would no longer return his calls. He is concerned because we're running out of time since the pool opens in two weeks. The City will pour the concrete on Friday which completes the work we were to do. City Recorder Joan McClanahan called Natari today and spoke with Steve Brown and told him the problem. He said it was his understanding that the crew was already here. He called back later and said he didn't think they were going to be able to do it. He then faxed a letter on company letterhead stating that he won't be able to have the liner in before Memorial Day. Copy attached. He suggested two options. They could do the work and it would be around May 30th or a little after before they would be finished. This would mean we would lose Memorial Day weekend which would be three days. The second option is that we wait till fall and they will discount $1,000.00 off the price. It will cost that much for Mark to paint the pool and make it ready. According to our signed contract dated Feb. 3, 2003 they were to be finished no later than May 30, 2003. Council discussed how to handle the situation. The only other company that submitted a bid could not do the work till July. According to City Attorney April Robertson if they do not complete the work by May 30, 2003 then they are in breach of contract. She suggested that she get copies of all the forms and then she would call them tomorrow. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT ALL THE PAPERWORK BE TURNED OVER TO CITY ATTORNEY APRIL ROBERTSON TO HANDLE AND IF AN ACTION OF COUNCIL IS NEEDED SHE CAN CONTACT

THE MAYOR, SECONDED BY CITY RECORDER JOAN MCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 3 – CITY ATTORNEY APRIL ROBERTSON: - Nothing to report.

AGENDA ITEM NO. 4 – CITY TREASURER RALPH ALLISON: - The Police Department has been receiving a large volume of Humane Officer calls. There is presently no Humane Officer. So far our attempts to work out something with neighboring cities have been unsuccessful. City Treasurer Ralph Allison spoke with the Dunbar Treasurer and he was to speak with their Mayor about it, but he never called back. We do not presently need a full-time Humane Officer, part-time would be alright. Councilman A.A. "Joe" Savilla suggested Mayor Casto speak with the Dunbar Mayor and see what his feelings are on this and then speak with City Treasurer Ralph Allison about it. The Mayor mentioned we had hoped to save some money by sharing a Humane Officer, but we just can't seem to get it worked out. Also, the Fire Chief had called City Treasurer Ralph Allison and mentioned that they're getting hit with a lot of overtime because they're short a person who is on Workman's Comp. The Fire Chief would like to hire someone. Councilman David Miller stated that it didn't seem like there was anything they could do right now with the Worker's Comp. situation. Councilwoman at Large Brenda Tyler asked if they could hire anybody temporary. Councilman David Miller stated that they could hire someone for 90 days, but he doubted that the situation would change in 90 days. He suggested talking with the fireman involved (in the Worker's Comp. situation) and see if he can get us some updated information on it. City Treasurer Ralph Allison stated that someone mentioned pool passes to him concerning increasing the price. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT THE COST OF THE POOL PASSES AND DAILY ADMISSION REMAIN THE SAME AS LAST YEAR, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 5 – MAYOR RUSTY CASTO: - The past couple of weeks there's been a situation where a couple of our citizens have suffered a cardiac arrest, one is Mr. McDaniels who passed away last week and the other one is Dewey Mann who survived. The Mayor came upon both scenes and our Fire Department deserves a big pat on the back. They were well trained; they worked furiously to try to save Mr. McDaniels and to ready Mr. Mann for transport to the hospital. He was proud of them. He told Fireman Shawn Alderman that they deserved a big pat on the back. There was a round of applause by City Council. When the Mayor asked Mr. Mann if he needed help he told the Mayor he would be alright and that as soon as he got back he was going to start selling some more bricks on the playground. The Mayor also read a letter he had received from Casey Warner concerning the exemplary investigative work done by Detective Joe Savilla in the case against Benny Ray Washington. Another letter written by Police Chief Jack Jordan was read by Councilman at Large Richard Savilla. Councilman A.A. "Joe Savilla" presented a plaque to his son Detective Joe Savilla followed by a big round of applause. Detective Joe Savilla shared that last week he attended school at the factory where they make all the Remington Firearms which the Nitro Police Department utilizes.

The Department can now repair the fire arms in-house rather than being charged over $200.00 to have them fixed by the Academy. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT BOTH LETTERS BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

COPY OF LETTERS ATTACHED

Ms. Underwood asked to address Council. She stated that she lives on Hickory Rd. off 31st Street East and for years they've been neglected. They can't hardly get anything accomplished. Years ago before Rusty Casto became Mayor they did come up and fix their road. Shortly after, they gave Ms. Cook a permit to use a bulldozer on property that had been condemned. She had the property bulldozed and it destroyed their road. There is no drainage. In the winter time the City does keep it salted, but it is a sheet of ice. There are weeds and trees growing out that scratch their car on the way up and down. It needs to be fixed. The City did put some blacktop on the mud, but it was just a band-aid. The City had to build a curb up considerably to keep the water from flooding the houses when it rains. Their street sign is even posted on a tree stump. All the residents on the hill have cleaned up their property and now it's the City's time to do something about the road. It needs drainage put in and the weeds and trees need cut back. In the winter the trees even hang over the road. She stated that nothing has been done to the road for years. Mayor Rusty Casto stated that shortly after he became Mayor they put the curb in and also dug the hill out which cost the City $7,000.00. They also spent $50,000.00 on the 31st Street East Bridge, so something has been done out there and they did cut weeds out there last week. Ms. Underwood stated that she was talking about Hickory Road and that the Mayor talked about everywhere else in that area, but Hickory Road. She had to drive through mud to get to her house. She had it up for sale and was told by the buyer that they would love to buy the house, but they don't like the road getting to it. City Recorder Joan McClanahan questioned how many families lived on that road, and Ms Underwood answered seven or eight. Councilman A.A. "Joe" Savilla suggested that the Mayor take A.J. Hill, Director of Public Works, and Bryan Casto, Building Inspector out there and assess the situation then come back and address it with Council at the next meeting. The Mayor agreed to go out the next morning and was thanked by Ms. Underwood.

Councilman A.A. "Joe" Savilla mentioned that Bailes Drive needs cleaned up. There are abandoned cars and other problems. Mayor Rusty Casto said we have to constantly stay on the property owners to keep it cleaned up. Building Inspector Bryan Casto said he had received calls today concerning Bailes Drive and two letters were sent out. Last weekend they had a community clean-up and the City placed a dump truck out there for the people to use. Councilman A.A. "Joe" Savilla asked what could be done about the abandoned cars and Mayor Rusty Casto stated they are allowed one per property and this was confirmed by Building Inspector Bryan Casto. Councilman A.A. "Joe" Savilla stated he had received a couple calls concerning when Wendy's will move in to the Exxon location. Building Inspector Bryan Casto stated that as yet we do not have a Building Permit with them. Lastly Councilman A.A. "Joe" Savilla asked council

about renting some of the facilities over at the City Park the first weekend of September for his company's picnic. He wanted to see if something could be worked out.

Councilwoman Brenda Tyler stated that July 18, 19, and 20 will be Nitro's Homecoming. It will be "A Salute to the Stars and Stripes". She would like everyone to participate in the Homecoming. Any organization that might be interested in raising funds should contact Robin Smith at the City. All supplies will be provided for them. All they have to do is work the table and they will receive 20% of the profit. TV Station Fox 11 is involved this year. The Homecoming Committee has agreed in cooperation with Fox 11 to make Kenny Bass the Grand Marshall in order to have the TV coverage that is needed and the advertisement. Also, Councilwoman at Large Brenda Tyler said that the Antique Car Show received $300.00 from the City last year to buy trophies and they have requested that we do the same again this year if we can. COUNCILWOMAN BRENDA TYLER MADE A MOTION THAT THE CITY DONATE $300.00 TO THE ANTIQUE CAR CLUB, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED WITH CITY RECORDER JOAN MCLANAHAN AND COUNCILMAN DAVID MILLER ABSTAINING.

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

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

NATARE
CORPORATION

Equipment, Systems, Consulting and Engineering for Swimming Pools, Aquatic Facilities and Water Features

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☐ *Original will be mailed*

DATE: Tuesday, May 06, 2003

TO: **Joan McClanahan – City of Nitro**

FROM: Steven M Browne, ext. 131 (smb@natare.com)

FAX NUMBER: (304) 755-7502

Reference: **Pool Lining Project Proposal**

Joan;

We have reviewed the City of Nitro's situation and have a couple of suggestions.

- Weather permitting (which got us in this predicament in the first place) we believe our crew can install your lining system by the end of May. We know this is one week past Memorial Day. From our experience the initial complaints by the residents are forgotten once the pool is opened. Most of the users are understanding when they actually see that there is work being done and progress is being made. The local paper could be a help in this area announcing the situation.
- The other solution would be to paint the pool this year and have the liner installed in the fall once the pool is closed for the season. Should you choose this option we would issue a $1,000.00 credit towards your price.

Although the situation at hand is not what either of us opted for I'm sure the council will make the best recommendation for the long term. Please let me know how I can assist.

Yours truly,

NATARE CORPORATION

Steven M. Browne

Commercial Sales

Natare Corporation • 5905 West 74th Street • Indianapolis, Indiana 46278-1786
(317) 290 8828 ext. 131 • (317) 290 9998 (fax) • e-mail: smb@natare.com

Please note that these documents are considered privileged and confidential. They are intended for the exclusive use of the intended recipient. If you believe you have received this communication in error, please contact us immediately at the address shown hereupon.

U.S. Department of Justice

United States Attorney
Southern District of West Virginia

United States Courthouse
300 Virginia Street East
Charleston, WV 25301
FAX: (304) 347-5104

Mailing Address
Post Office Box 1713
Charleston, WV 25326
(304) 345-2200
1-800-659-8726

March 26, 2003

Chief Jack A. Jordan
Nitro Police Department
20th Street and Second Avenue
Nitro, West Virginia 25143

Dear Chief Jordan:

This letter is to inform you of the exemplary investigative work of Detective Joe Savilla in the case against Benny Ray Washington. Detective Savilla demonstrated outstanding ability throughout the course of the investigation from the onset of the case and defendant's arrest following a traffic stop, to its conclusion following a federal jury trial and defendant's sentencing. Detective Savilla's professionalism in securing defendant's confession was a big factor in this successful prosecution endeavor.

I look forward to working with Detective Savilla in future federal drug prosecutions.

Very truly yours,
KASEY WARNER

By:
JOHN J. FRAIL
Assistant United States Attorney

JJF:slk

20th Street and Second Avenue
Nitro, West Virginia 25143
(304) 755-0701 FAX (304) 755-7472

May 6, 2003

Mayor Casto
20th Street and 2nd Ave
Nitro, WV 25143

Dear Mayor:

RE: Det. J. Joseph Savilla

Tonight is a special moment in my term as the Chief of Police, and that is when one of my officers is recognized for performing his duties in a manner which helps to show the integrity which this job demands. Due to the superior way in which Det. Savilla performed his job, the number of "bad guys" on the street has decreased, helping to make our living area a safer place for all. I know each of you want your families to be safe and secure, this is a goal which Det. Savilla takes very seriously, as he has a family of his own. I have given each of the council members a copy of a letter that was written on Det. Savilla's behalf from John Frail, Assistant United States Attorney recognizing his exemplary effort as a law enforcement officer.

The demands on law enforcement officers keep increasing at an alarming speed. Keeping up with these demands and protocols is crucial for department administrators and officers. Failure to keep abreast could ultimately create litigation cost and other sanctions.

In my opinion many people still view the Nitro Police Department as a "small department". In actual physical numbers we are, but there is no measuring stick for the integrity and high level of professionalism in which these officers perform their jobs on a daily basis. Often times their efforts are overlooked by those which they serve.

Today's law enforcement officer can no longer have the same demeanor or attitude as our hero Sheriff Andy Taylor. The "Mayberry" mentality and attitude for law enforcement served well during it's day and time but we are

facing with new "enemies", and still dealing with a lot of older ones which have magnified over the years. The public's perception and demands on law enforcement officers has changed. Law enforcement has been forced to change to meet these challenges. This is true from the largest law enforcement agencies in America to the smallest. The standard has been raised and everyone is striving to meet the need.

It's wonderful to see that our department is on track with meeting the demands and challenges. All of our officers have set a high personal standard and work each day to meet these goals. Det. Savilla's tenacity shows that the reward is great.

I encourage him to maintain this level of excellence. He is an inspiration to all of us to give a little more, do a little more. It is with a great deal of pride that this plaque is presented in recognition of his outstanding contribution to our community.

Sincerely,

Chief Jack A. Jordan

XC: File
Det. Savilla
Members of Council

CITY OF NITRO

COUNCIL MEETING MINUTES

MAY 20, 2003

Mayor Rusty Casto 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, Timothy Sizemore, Councilmen A.A. "Joe" Savilla, David Miller, Bobby Smith, and Harry Miller, III. Also present was City Attorney April Robertson. Absent was City Treasurer Ralph Allison.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION AND COUNCILMAN AT LARGE RICHARD SAVILLA LED THE PLEDGE OF ALLEGIANCE.

MAYOR RUSTY CASTO MENTIONED THAT A FRIEND OF HIS, CURTIS GEPHART WAS IN THE IRAQ WAR AND WOULD BE HOME SOON. HE WOULD LIKE TO HAVE A RECEPTION FOR HIM IN COUNCIL CHAMBERS WHEN HE RETURNS. HE NOW LIVES IN BROOKHAVEN.

AGENDA ITEM NO. 1 – APPROVAL OF MAY 6, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF THE MAY 6, 2003 COUNCIL MEETING MINUTES, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. COUNCILWOMAN AT LARGE BRENDA TYLER STATED THAT AT THE LAST MEETING COUNCIL APPROVED THE DONATION OF $300.00 TO THE ANTIQUE CAR CLUB. THE EVENT WAS CANCELLED THIS PAST WEEKEND DUE TO RAIN. AT THIS TIME THE MONEY HAS NOT BEEN DONATED, BUT MAY BE AT A LATER DATE SHOULD THEY RESCHEDULE.

AGENDA ITEM NO. 2 – APPROVAL OF KANAWHA COUNTY HAZARDOUS MITIGATION PLAN: Building Inspector Bryan Casto introduced Daniel Haught, Flood Plan Manager and Mitigation Planner for Kanawha County. Mr. Haught worked with Building Inspector Bryan Casto on the plan for the City of Nitro that had to be submitted to the County for FEMA funds in the event of an emergency. Copy of plan attached. Daniel Haught explained that Kanawha County has had a Mitigation Plan in place since 1999 addressing hazards in the community. They received correspondence from FEMA last April stating that they want all municipalities to become involved in order for each municipality to receive funds. They wanted more input from the local leaders, municipalities, and other agencies so everyone has input into this plan. It must be approved by Nov. 1, 2003. He has a map with all the other cities and everyone has signed a letter of agreement. The City of Nitro signed this letter in Oct. 2002. He has had two Town Meetings and an open public forum on the mitigation plan. It is available to be seen at any time on a CD which he will give to Building Inspector Bryan Casto. We can review it and any time we would like to add anything to the plan we can. Ideas

are to be forwarded to Building Inspector Bryan Casto and he will forward them to Mr. Haught. He will then insert them into the plan for next year. This is approved every year by FEMA. It is a very ~~good plan~~ and they take it very seriously because it addresses serious issues. Flooding is their number one issue, but it also includes mud slides, landslides, snow storms, and ice. It tells what actions you need to take to mitigate and reduce the effect of these hazards. Mayor Rusty Casto stated that after it was passed they would need to send a copy to Putnam County as well since we are in two different counties. He also asked if all citizens that own property are bound by the flood plan. Daniel Haught stated that this was correct. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE FIRST READING PENDING ANY CHANGES THAT CITY ATTORNEY APRIL ROBERTSON DEEMS FIT, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 3 – REQUEST FROM WENDYS: Councilman A.A. "Joe" Savilla stated that we have another request from Wendys. They would like to change 41st Street from a one-way street to a two-way street. It has been a one-way street since 1972 or 1973. Councilman A.A. "Joe" Savilla is opposed to making this a two-way street due to the blind curve at the end of it. City Recorder Joan McClanahan stated that they are requesting to make only a portion of the street two-way. Councilman Savilla is concerned that some drivers may continue to sneak down the rest of the street. He feels it is not necessary to make any portion of the street two-way. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO TURN DOWN THE REQUEST BY WENDYS TO MAKE A PORTION OF 41ST STREET TWO-WAY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. ACCORDING TO COUNCILWOMAN BRENDA TYLER THE RESIDENTS OF 41ST STREET STATED IN A LETTER AND SIGNED PETITION GIVEN TO MEMBER OF COUNCIL THAT THEY DO NOT OPPOSE MAKING THE STREET TWO-WAY PRIOR TO THE BEGINNING OF THE RESIDENTIAL AREA OF THE STREET. BUILDING INSPECTOR BRYAN CASTO STATED THAT POLICE CHIEF JACK JORDAN STATED HE HAD NO PROBLEMS WITH MAKING A PORTION OF THE STREET TWO-WAY. PUBLIC WORKS DIRECTOR ALEX HILL STATED THEY WOULD POST SIGNS AT THE END OF THE DRIVE-THRU TO DIRECT TRAFFIC. COUNCILMAN A.A."JOE" SAVILLA WITHRDREW HIS PRVIOUS MOTION AND AMMENDED IT TO APPROVE MAKING THE STREET TWO-WAY DOWN TO THE ONE HUNDRED SEVENTY-SEVEN FEET, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Mr. Totten said he heard that Wendy's was going to put a parking lot behind his residence, and if they do, would they have to put a fence around that because it was his back yard. Building Inspector Bryan Casto said he was aware of it and he would make every effort to have them put up a fence that will separate Mr. Totten's and Andy Board's property. Mr. Casto said that once Wendy's start, he will address the drainage problem. Councilman A. A. "Joe" Savilla said they didn't have the drainage problem when it was a grass lot. Councilman Joe Savilla told the residents it was good to see them in Council Meeting.

A resident of 41st Street said she feels they are left out of everything on their end of town. She said they call the police and they don't come. Councilman Joe Savilla said he would have Chief Jordan stop and talk with her. Councilman Miller said it could be that their calls are going into the Putnam County dispatch center.

AGENDA ITEM NO. 4 – LEVY ELECTION DATE: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She said that about a month ago, she sent members of Council a memorandum regarding the selection of a date for the Levy election, and what they feel is best for everybody. She said she would like for this to be a group decision because this election and whether it passes or fails is going to be a group effort. She reminded Council that next year is our Municipal Election, and we could have the election this fall. Lavada Williamson from the State Budget office explained to her that by having it earlier than previously held, if something would go wrong, we have more time to do it right the next time. Mr. Allison previously explained the election can be set for five years which would result in costing less money. A discussion followed regarding a date, and it will be put on the next Council Meeting agenda.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: - Mayor Casto asked the City Attorney April Robertson if our Council and the Lakeview Board approve it, could we patch the potholes in their road and in exchange they would make a nice donation to our playground fund. We already salt their road for emergency access. City Recorder Joan McClanahan said that in exchange they should open their road to get to Wal-Mart. Attorney April Robertson answered that this is a private road and they could make a donation but with no strings attached. Mayor Casto said he would tell the residents that it is not feasible at this time.

Mayor Casto asked the Sanitary Board Manager, Danny Lewis, to inform Council what he will be bringing up at the next meeting. Mr. Lewis informed that the Sanitary Board and South Putnam made an agreement. Councilman Harry Miller, III said the Committee members feel it is a very good agreement from the standpoint of both agencies. He said he recommends it highly.

Mayor Casto asked Mark Jarrett for an update of the pool. He reported that the workers from Natari got in town yesterday, but they didn't have the materials. Half of the materials arrived today and they looked at the job and said it would probably be three weeks to complete, but to add a day for each rainy day. They do not work in the rain. There are two men which started to work at 9:00 a.m. this morning and stopped at 5:00 p.m. this evening. They were supposed to work extended hours, and he didn't call this extended hours. City Recorder Joan McClanahan said the representative they dealt with assured her they would be working seven days a week until it was completed. She said the contract states the job will be finished by May 30, and asked the City Attorney April Robertson if we could penalize them and she said there is legal action we can take at that time. Also, she said she did not have all pages of the contract.

Councilman Harry Miller, III asked if we had received any feedback from the WV Water Company on excavation on Benamati and Locust Streets. The Mayor responded

that he believes they have been down and looked at it. Mayor Casto told Bryan Casto, Building Inspector, to get with him, along with Danny Lewis, and they will call the WV Water Company again to ~~see~~ if they will go up to Benamati to check this out.

Councilman Bobby Smith asked if we had an ordinance on putting your trash or garbage out two or three days prior to pickup. We do not have an ordinance on trash, but we do on garbage. Councilman Smith said they have been having problem over on Broadway. We have an ordinance on putting out your garbage earlier than the evening before pickup, but not on trash. Public Works Director A. J. Hill, Jr. said they pick garbage up everyday. Mr. Hill said the people in the brick houses carry it across the street and put their garbage in front of Broadway, and they accuse residents of Broadway Gardens for the garbage.

Councilman A. A. "Joe" Savilla thanked the residents from 41st Street for coming this evening, and told them to not make this their last visit.

Councilman at Large Timothy Sizemore said he would like to speak with the Attorney and Building Inspector after the Council Meeting.

Councilwoman at Large Brenda Tyler said when we had the auction, a resident bought a police cruiser and he is trying to intimidate people making them think he is a police officer. The vehicle is black and white, but has no lettering on it.

Councilwoman at Large Brenda Tyler reminded everyone of the Homecoming on July 18, 19 and 20th. This will be a big event for the City and will be a salute for the stars and stripes. We will be honoring the military personnel that have come home from Iraq, so she encourages everybody to get involved in the Homecoming.

City Recorder Joan McClanahan advised that one of A. J. Hill's men, Gary Coleman, lost his home and all the contents in a fire Sunday morning. If anyone is able to help him in anyway, it would certainly be appreciated. They need everything.

There being no further business to be conducted, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

_____
RUSTY CASTO, MAYOR

Joan M. McClanahan
_____
JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
LIVING MEMORIAL TO WORLD WAR 1
RUSTY CASTO
MAYOR
755-0705

JOAN McCLANAHAN
RECORDER
755-0707

All Hazards Mitigation Plan – Kanawha County

Municipality – Nitro **Date: May 20, 2003**

Team Member Name – Bryan C. Casto **Phone: 755-0703**
Building Inspector

1. Risk Assessment

Flooding – The Kanawha River, Blakes Creek, and run-off are main areas of concern.

Dam Failure – In the event the dam at Ridenour Lake ever failed there would be a need for flood control and a loss of recreation.

Storms:

- Wind – Could cause structural damage and power outages.
- Snow – Would limit transportation and could cause structural damage.
- Ice – Could cause power outages, transportation problems, and structural damage.
- Landslides – These could potentially cause structural damage and impede transportation.

Man-made – Risks would include a Hazmat incident or weapons of mass destruction.

***All of the above risks would affect schools, businesses, and senior citizens.**

2. Goals

1. Improve protection of citizens.
2. Create a list of high risk properties.
3. Work with citizens regarding mitigation preparedness.
4. Take measures to reduce any current and future risks in Nitro.
5. Assess vulnerable infrastructure throughout the city.
6. Reduce the effects of landslides.
7. Protect citizens regarding health issues such as epidemics.
8. Educate citizens of steps to take in the event of a Hazmat incident.
9. Establish an evacuation center equipped with separate power and heat; and stocked with emergency supplies.

3. Mitigation Measures

1. Encourage strict adherence to Building Codes.
2. Restrict use of areas in flood plain for any development or major renovation on existing structures.
3. Discourage development in areas prone to landslides.
4. Implement city wide tree trimming or removal of any tree that could create power outage or transportation problems in event of storm.
5. Increase public awareness of potential hazards.
6. Have an annual inspection of the dam at Ridenour Lake.
7. Utilize emergency personnel trained in emergency response.
8. Establish an evacuation center.

4. Implementation of Plan

1. The Building Inspector and the Planning Commission will work together to eliminate any development of hazardous areas.
2. Work with Public Works Department to identify and remove any trees that could cause damage.
3. Implement a public awareness program by sending out fliers and having Town Meetings to discuss potential hazards.
4. Establish a Board to implement this plan.
5. Continue a high level of training for emergency personnel.

May 15, 2003

City of Nitro
Mr. Rusty Casto, Mayor
P.O. Box 308
Nitro, WV 25143

Re: Two way traffic on 41st Street

Dear Mayor Casto:

The purpose of this letter is to express the unanimous opposition of the residents of 41st Street to making the entire street a two way street. Our opposition is certainly not out of any animosity toward Wendy's. Indeed, we are looking forward to a new business opening in our city. Neither do we oppose making 41st Street a two way street prior to the beginning of the residential area of this street. However, we have some serious safety concerns regarding the proposal to make the entire street two way.

This street is already traveled by dozens of cars each day filled with people trying to avoid the stop light at the 40th Street/Route 25 intersection. Perhaps not surprisingly, these are people in a hurry and they often drive at a high rate of speed down this narrow street. While this is hazardous enough in and of itself, at least we know from which direction the cars are coming. If 41st Street is made two ways for its entire length, there will be many more cars that will use 41st Street as a way to avoid the light at the 40th Street/Route 25 intersection. Given the number of children that live and play on 41st Street, we are concerned about the unnecessary hazard these additional cars will pose to our children.

A second problem is that 41st Street has a 90 degree turn that is blind. As cars from both directions speed down 41st Street in an effort to avoid the stoplight at the 40th Street/Route 25 intersection, there is no doubt in our minds that numerous accidents will occur. Indeed, at least according to long time 41st Street residents, the high number of accidents at this turn was the primary reason 41st Street was changed from a two way street to a one way street many years ago.

It bears repeating that we have no ill-will toward Wendy's. However, the 30 seconds saved by persons trying to avoid the stoplight at the 40th Street/Route 25 intersection is not more precious than our children. Furthermore, we fail to see any additional benefit that Wendy's will derive from this change. We would ask that you pass this letter to the appropriate City Council members and city planners and we would further ask that we be informed as to when this issue will be debated.

Thank you for your consideration in this matter.

Name	Address
[illegible]	4109 41ST ST
[illegible]	4111 41st street
[illegible]	4115. 41st st.
[illegible]	" " "
[illegible]	4116 – 41st St.
[illegible]	4111 41st street.
[illegible]	4114 41st Street
[illegible]	4114 41st street
[illegible]	4117 41st St.
[illegible]	4110 41ST ST
[illegible]	4110 41st Street
[illegible]	4120 41st St. B
[illegible]	4120 41st Apt B
[illegible]	4123
[illegible]	4121-41st
[illegible]	4124 41st
[illegible]	4107, 41ST street
[illegible]	4107-41st Place
[illegible]	4107-41st
[illegible]	4112, 41st

May 8, 2003

City of Nitro
Mr. Rusty Casto, Mayor
P.O. Box 308
Nitro, West Virginia 25143

Re: Two way traffic on 41st Street

Dear Mr. Casto:

Wendy's International, Inc. would like to have the City of Nitro go ahead and make the necessary road sign changes to 41st. Street to make it a two way street. The distance of this change is approximately 177.23' east from the intersection with First Avenue. Wendy's intends to start construction for our new store within the next few weeks and would like to have these changes completed before the store opens. Please feel free to contact me if there are any problems with this request of you have any questions. My direct line is 513-714-1157. Thank you.

Sincerely,

Tony Garcia
Field Construction Manager
Wendy's International, Inc.

Attachment

CITY OF NITRO

COUNCIL MEETING MINUTES

JUNE 3, 2003

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Timothy 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 Councilman at Large Richard Savilla.

COUNCILMAN A.A. "JOE" SAVILLA INTRODUCED SARGENT RICH WITHROW, A MEMBER OF THE POLICE FORCE WHO HAS RETURNED FROM ACTIVE DUTY.

THERE WAS A MOMENT OF SILENCE IN MEMORY OF ANDRE HAIKAL, JR WHO PASSED AWAY LAST WEDNESDAY MORNING FROM A MASSIVE SEIZURE AND ALSO FOR COUNCILMEN HARRY MILLER III AND DAVID MILLER'S GRANDMOTHER.

SARGENT RICH WITHROW LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF MAY 20, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED FOR THE APPROVAL OF THE MAY 20, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Two long time school teachers from Nitro Elementary will be retiring this year. Mrs. Paul and Mrs. Sally Meadows have taught for a total of almost 70 years combined. They will be honored Monday and Mayor Rusty Casto made them Citizens of the Month. They will receive plaques and dinners at Diehl's Restaurant. They will be invited to the next meeting along with Calvin Bailey, a coach at WV State College, who will also be honored and presented a plaque.

AGENDA ITEM NO. 3 – WV HOUSING DEVELOPMENT FUND: Mr. Martin introduced Mr. Howard Tyree, a Regional Manager with the WV Housing Development Fund. Mr. Tyree passed out literature for everyone to look at and review. It included their annual report and a couple of flyers for some of the general programs they offer. They are located in Charleston and are the State's Housing Finance agency. They have financed over 96,000 units of single family homes and over 30,000 units of multi family or rental homes. They have found in the past few years that a lot of the cities have problems with affordable housing in the city and also vacant lots. The WV Housing Development Fund has developed a lot of programs and products that can help cities to encourage developers and contractors to redevelop and revitalize their cities. They have

a program that is a guaranteed program for contractors. If a contractor develops a lot and cannot sell a house within 3 months the WV Housing Development Fund will buy the house from them. Another product they offer is designed for landlords. They will provide up to a $10,000.00 loan at 6% or less interest for 10 years. This works out to a $111.00 monthly payment. It would give them the opportunity to fix up their apartments. They also have a program he felt the city and council might want to consider. If the City participates then its employees are eligible for 100% financing at the low market interest rate. The City would simply have to sign a participation agreement for the employee to participate. There is no money involved for the City. Mayor Rusty Casto stated they had signed a form through the city of Charleston. Councilman at Large Timothy Sizemore said he thought that form was through the Charleston Urban Renewal. Mr. Tyree said that he could be contacted with any questions. City Treasurer Ralph Allison asked if the program was strictly for residential or if it would apply also to commercial buildings. Mr. Tyree said it did not apply to commercial buildings, but they were working on that. Mayor Rusty Casto asked what the council would have to do to make the city employees eligible for the money. Mr. Tyree said to give him a call and he and a representative would come down and talk with the Mayor about it and sign them up. City Attorney April Robertson asked if the City would be in a position of being guarantor on the loans. Mr. Tyree said they would not. The only involvement the City would have is to say that they want their employees to be a part of the program. The City is under no obligation. The WV Housing Development Fund would provide 97% financing and then give the individual or couple a 3% loan for the down payment. Mayor Rusty Casto asked Mr. Tyree to give them the paperwork and they would have City Attorney April Robertson look it over. For restoration of vacant lots Mr. Tyree said that contractors would buy the lots for under $10,000.00 and the program calls for the contractor to build a house priced under $110,000.00.

AGENDA ITEM NO. 4- LEVY ELECTION DATE: City Recorder Joan McClanahan stated discussion had been made at the last council meeting and it was decided Council needed some time to choose when to have the levy election. Councilman A.A. "Joe" Savilla felt around mid September would be a good time. Mayor Rusty Casto stated it is generally on a Saturday. Councilman at Large Timothy Sizemore suggested that around September they could take information to different groups around town. Last election there was a lot of misrepresentation. Councilman at Large Timothy Sizemore volunteered to help to go to the Senior Citizens to show them the figures and explain that there is no rate increase. A simple form could be printed up over the summer and run off to distribute around town, mainly to the seniors. Councilwoman Brenda Tyler said it would be best not to include a dollar figure on the form as people would assume there was an increase if they saw one. She suggested to simply state that it's a continuation of your taxes, no increase whatsoever. City Recorder Joan McClanahan said she would have to call the Secretary of State's office in the morning because there are time restrictions. She thought there had to be a minimum of 90 days. She will get a date as close to mid September as she can and then she will come back to Council with a resolution approving it.

AGENDA ITEM NO. 5- APRIL ROBERTSON: City Attorney April Robertson stated that she did not have anything to report. She asked if anyone had any questions. Councilman A.A. "Joe" Savilla asked if she got all the information on the pool, if she had researched it. She stated that she didn't have any other contract, but that she was checking on the progress periodically throughout the last two weeks.

Mayor Rusty Casto mentioned that Building Inspector Bryan Casto was going to need an ordinance written up on the house numbering that the telephone company is doing. He asked Bryan to explain what kind of ordinance they would need. Bryan Casto stated that he went to a meeting on Friday concerning the West Virginia 911 Direction Handbook. An ordinance has to be passed adopting this. Also a letter of acceptance has to be prepared stating that we will sign on with the County. Kanawha and Putnam counties are in a pilot program throughout the state to implement this. All the rural routes and every parcel along every street and highway will have a designated number. If there's already an address they're not going to change it unless there are problems due to duplications in names which we do have a few of. There are three Smith's and two Holley Streets. A letter of agreement needs put together for the County that we will sign on with this. If the city declines their offer the County will go ahead and do it and they will take the responsibility of naming the streets and apply numbers to them.

City Recorder Joan McClanahan stated that today a gentleman came in and was inquiring about the Corvette at the Public Works Department that was confiscated in a drug raid. She questioned if the city could sell or put out for bid a vehicle that is confiscated in a raid. Councilman David Miller said he thought Metro did that and the city would get a cut.

AGENDA ITEM NO. 6 – CITY TREASURER RALPH ALLISON: Nothing to report at this time.

AGENDA ITEM NO. 7 –MAYOR'S COMMENTS: Mr. Vaughn will bring to the next meeting the agreement that the Sanitary Board made with South Putnam on bringing South Putnam's sewage under the river to our plant.

Councilman Harry Miller asked if there was an update from the water company. Building Inspector Bryan Casto said he met with the water company Wednesday and they agreed it was their problem and they will contact Rover Construction about correcting the problem.

Councilman Bobby Smith stated that he had spoken to the Mayor a while back about bug spraying. He called around today to see what we would have to do to get it done. Councilman Bobby Smith said there is nobody in the exterminating business that handles any of that other than House Doctor. They said they could get rid of some, but they could not take care of the lake because it would kill all the fish. They recommended he call Chemlawn and they should be able to take care of it. Mayor Rusty Casto said they would look into it.

Councilman David Miller said they're still getting a lot of mud off the hillside on 21st Street. They need to see what can be done. Building Inspector Bryan Casto stated that the City has a catch basin in the woods that diverts the silt and then collects the rain water and deposits it into the drain on 21st Street. He stated there was a lot of mud from the prior rain and he and A.J. Hill, Public Works Director went out and looked at the catch basin. There was clear water pouring into it so they had no explanation as to where the mud was coming from. They thought it may have been from the folks that built the house on Southern Drive. Initially they did a lot of excavating, but they sowed grass, put a fence up, and bales of straw out and we still have the same problem. They now have lush green grass, no dirt showing, and there's still mud. There may be a break in the drain causing the problem. Mayor Rusty Casto suggested having Danny Lewis put a camera through the line to check it.

Councilman A.A. "Joe" Savilla asked Building Inspector Bryan Casto to notify Council as soon as he hears how many fire hydrants we can get at Carriage Way. Bryan Casto said he thought the water company would reply to council. He said he saw some preliminary figures on it and they are working on the estimate for us. We would like to get a minimum of two, but it would be great to get all four. Bryan Casto said we'll let the Fire Department decide where to put however many we get. Councilman A.A. "Joe" Savilla said he has a situation where two elderly gentlemen are upset about a parking space out there. He wasn't sure what Council could do about the problem as they are a policy making body. Building Inspector Bryan Casto said he met with one of the parties and he showed him where his property line is. The City has a one hundred ten foot right of way on Norwood Road. The pavement is only thirty foot wide so there is a tremendous amount of grass on either side that everyone assumes is their lawn. The party Bryan Casto spoke with was told by the builder and the realtor when he bought the property that he owned the area in question. Both have since passed away so there is no way to verify that. The property owner wants the City to abandon the piece of property because there is just a small amount of pavement where the street was never finished. In the past they have used that area to park in because they thought it was their property. Their neighbor spoke with someone and found out it wasn't and he's been parking there now. Bryan Casto stated that the City could not abandon a one hundred ten foot right of way with twenty-five foot beyond that which belongs to the City. He suggested that a no parking sign be put up.

Councilman at Large Timothy Sizemore stated he received 2 calls complaining about cats. Apparently they must be pretty bad in some areas of town. He said if the City had a Humane Officer there could be something done about it. Mayor Rusty Casto said Dunbar is suppose to let us know this week if they will go in with us on a Humane Officer, otherwise we'll just hire one. He said we should have a Humane Officer within a week.

Councilwoman Brenda Tyler asked Ivan Meadows to inform everyone about the Little League. Ivan said that Nitro Little League is going to have three tournaments this year. They have one for nine and ten year olds in the district, one for nine and ten year old girls in the district, and the nine and ten year old girls state tournament. It will be

July 21. It will be part of the Nitro Homecoming. They want to have a pool party Sunday night with hot dogs or pizzas afterwards. Mayor Rusty Casto suggested that Ivan check to make sure the pool isn't reserved that night. Councilwoman Brenda Tyler stated that we are making progress with the pool. The liner is now down to the twelve foot area. The pump house is no longer standing because it was falling down, you could just shake it, and so they went ahead and tore it down. Discussion was made concerning the pool cap. COUNCILWOMAN BRENDA TYLER MADE A MOTION THAT A CAP BE PUT ON THE CEMENT POOL AREA PROVIDING IT DOES NOT EXCEED $4,500.00, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED. Councilwoman at Large Brenda Tyler said she would talk to Alex Hill, Director of Public Works and everybody involved and get it lined up and get a time limit. Mayor Rusty Casto asked that Councilwoman at Large Brenda Tyler call a meeting tomorrow with Alex Hill and Jack Jordan to discuss it. Councilwoman Brenda Tyler said if the weather clears up then it is her goal to have everything completed by a week from next Saturday. Mayor Rusty Casto said there should be an article in the Metro West tomorrow about the pool. He said that since he, Councilman David Miller, and Councilman at Large Richard Savilla came in 1996 they have basically rebuilt the entire pool.

There being no further business to be conducted, COUNCILMAN HARRY MILLER III MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO

COUNCIL MEETING MINUTES

JUNE 17, 2003

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

MAYOR RUSTY CASTO ASKED THAT THEY REMEMBER COUNCILMEN DAVID MILLER AND HARRY MILLER III'S GRANDMOTHER AS SHE IS NOT DOING WELL. COUNCILMAN A.A. "JOE" SAVILLA ASKED THAT THEY ALSO REMEMBER THE MAYOR AND HIS FAMILY DUE TO THE PASSING OF HIS GRANDMOTHER. COUNCILMAN A.A. "JOE" SAVILLA LED THE INVOCATION.

MRS. KAREN PRICE, PRINCIPAL OF NITRO ELEMENTARY SCHOOL, LED THE PLEDGE OF ALLEGIANCE.

JEFF SMITH AND MICHAEL PAYNE OF THE NITRO LION'S CLUB WERE PRESENT. MR. SMITH LEFT AN AGENDA WITH THE MAYOR AND SAID THEY WERE LOOKING FOR NEW MEMBERS. THEY WILL HAVE THEIR YEARLY PRESENTATION OF NEW OFFICERS NEXT MONTH ON JULY 22, 2003. HE INVITED THE COUNCIL MEMBERS TO ATTEND THE MEETING. IT IS A PUBLIC EVENT AND THERE WILL BE A DINNER. ANYONE INTERESTED IN ATTENDING SHOULD GIVE HIM A CALL AND HE'LL PUT THEM ON THE LIST. THEY MEET THE SECOND AND FOURTH TUESDAY OF EACH MONTH AND WERE WANTING NEW MEMBERS SO THEIR ORGANIZATION CAN GROW. COUNCILWOMAN AT LARGE BRENDA TYLER COMPLIMENTED THE LIONS CLUB FOR THE GOOD JOB THEY DO.

AGENDA ITEM NO. 1 – APPROVAL OF JUNE 3, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED FOR THE APPROVAL OF THE JUNE 3, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 –CITIZENS OF THE MONTH: Nitro Elementary Principal Karen Price introduced retiring first grade teachers Sally Meadows and Virginia Paul who are Citizens of the Month for June. Mayor Rusty Casto presented each with a Key to the City and dinners for two at Diehl's restaurant. They were given a round of applause by Council. Mrs. Meadows said Nitro is a wonderful community and she felt privileged to have had the opportunity to work with such wonderful people. Mrs. Paul

echoed her response. The Mayor said they would be missed and they appreciated all their years of service to the youth of Nitro.

AGENDA ITEM NO. 3 – REPORT ON THE HOMECOMING: Robin Smith said they have been meeting since January to plan this year's Homecoming. There has been a core group of about 8 people that have been coming to every meeting. She said they are discouraged because some of them are not sure how much support they have from the City for this year's event. They have incorporated the yearly fireworks into the Homecoming program. That alone is $4,000.00 to $5,000.00. They have scaled down some things due to finances. She said the bottom line is they need money. They have a good size Car Show and Motorcycle Show planned that has gotten quite a bit of publicity and support. They are planning an Old Fashion Street Camp for Saturday night. They want to make the Homecoming a family event. There are events planned for Friday, Saturday, and Sunday that they would like everybody to be involved. This takes money and people and they are short on both. There won't be a band this year. Mayor Casto said he would get with City Treasurer Ralph Allison before the next meeting to see if the City could contribute financially to the Homecoming. Councilwoman at Large Brenda Tyler said they need start up money that can be reimbursed after the Homecoming is over. They need money for deposits on fireworks and other things that have been ordered. Robin Smith said a few of the things they have planned are a Golf Tournament and an All Night Fishing Tournament on Friday. The parade will be on Saturday. The theme is "Celebrating the Stars and Stripes". There will be a float contest. They are encouraging residents to decorate their street signs as a group. The Homecoming Committee will host a block party for the winners. There are games and the Car Show and Motorcycle Show planned for Saturday also along with the Street Dance Saturday evening. The Friday before there will be a Beauty Pageant. Sunday in the Kathy Mattea Auditorium there will be an all day Gospel Sing. Sunday night there will be a concert at Underwood Field from 6:00 till fireworks time. Councilwoman Brenda Tyler said Robin Smith and Debbie Jordan have been working very hard on the Homecoming planning. She said she has attended several meetings. Robin Smith said the next Homecoming meeting is scheduled for June 26, 2003 at 6:00 pm.

AGENDA ITEM NO. 4 – 03–04 LEVY ELECTION: City Recorder Joan McCLANAHAN gave City Attorney April Robertson and each Council member a copy of THE ORDER AND NOTICE OF SPECIAL ELECTION FOR ADDITONAL MUNICIPAL LEVY TO THE VOTERS OF THE CITY OF NITRO. It is Resolution Number 03-04. The election will be held September 27, 2003. The form has been approved by the State Auditor's Office and they have faxed back an ok on it. City Recorder Joan McClanahan asked for approval of the resolution to proceed. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT THEY ACCEPT THE RESOLUTION SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 5 – CHANGE TIME OF JULY 1, COUNCIL MEETING: Mayor Rusty Casto said the State DEP will attend the next Council Meeting on July 1 to report on the Smith Street landfill. The Regional Intergovernmental Council will be there

at 7:00 pm to discuss help on grant money to beautify the downtown. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO MOVE THE JULY 1 COUNCIL MEETING BACK TO START AT 7:00 PM SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED. Councilman A.A. "Joe" Savilla said he had seen some of the papers on the grant money and he thought it would be a wonderful idea with all the Antique Shops downtown. There is money available for things like this it just has to be gone after. Police Chief Jack Jordan had photographs. The downtown needs a facelift. The towns of Spencer and Ripley have received grants. Mayor Rusty Casto said at 7:00 at the next meeting the gentlemen will be here from R. I. C. and they'll apply for grant money. According to Police Chief Jack Jordan the Town of Ripley received about $500,000.00 so it's worth looking into.

AGENDA ITEM NO. 6 – CITY ATTORNEY APRIL ROBERTSON: Nothing to report at this time.

AGENDA ITEM NO. 7 – CITY TREASURER RALPH ALLISON: Mayor Rusty Casto said Ralph Allison is on vacation.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Casto said he met with Mr. Tyree today and has the form he needs to sign for the employees to be able to purchase houses through the West Virginia Development Fund. He asked that City Attorney April Robertson review it. COUNCILMAN DAVID MILLER MADE A MOTION FOR THE MAYOR TO SIGN THE PAPERS AFTER REVIEW BY CITY ATTORNEY APRIL ROBERTSON, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

City Attorney April Robertson said she had reviewed the renewal of the contract with Sycamore Landfill and everything seems to be in order. She spoke with Building Inspector Bryan Casto earlier about Building Code. The State has recently enacted a new set of rules and regulations that go along with the State Building Code that the Fire Marshall has put in place. Originally when Bryan Casto gave it to her they talked about how they might need to amend the City's Building Code and adopt the State Building Code. That is already in place so there is no official action needed on our part. The State Code has not been changed, just the State regulations that go along with the Code. Our City Code already reads that we have adopted the State Code that is in effect. They will wait until they get the letter of agreement to the County on the 911 changing of the house addresses and hear back from them.

Mayor Casto said that due to the weather during the past two weeks, we have got about two days work in, but feels the work will be done tomorrow and the pool will be filled Thursday and we will open Friday. Mayor Casto said he appreciated all the work the employees did on the building and getting it fixed.

Councilman David Miller said he would like to commend all the departments with all of this rain we have had.

Mayor Casto said he was running a little late this evening and they honored Bill Lett as Hometown Hero down at the Ortin Heights Cemetary. The man from Channel 3 reported this cemetery was in the City of Nitro. Mayor Casto said this cemetery was above Hardys at Rock Branch and was outside the city limits.

Councilman Harry Miller, III said he would like to resign his seat from the Nitro Development Authority, and he would like to recommend Councilwoman at Large Brenda Tyler to take that seat. COUNCILMAN DAVID MILLER MOVED COUNCILWOMAN AT LARGE BRENDA TYLER BE APPOINTED TO THE NDA, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman Bobby Smith asked Mayor Casto if anything could be done about the mosquitoes around the landfill, and the Mayor questioned the Director of Public Works, A. J. Hill about this. Mr. Hill said that as it stands now, he wasn't aware of anything.

Councilman A. A. "Joe" Savilla said he would like to commend Chief Jordan and A. J. Hill on all the work they have done at the pool. He said we are going to have the newest old pool in the state. He said that the way our employees just jump in and do these things defies belief; he is always amazed when he goes past the pool. They are to be commended on the way they work together.

Mayor Casto asked Chief Jordan to report on their idea about moving the fence over at the pool. Chief Jordan said the Health Department spoke with the Pool Manager Mark Jarrett and sent the Mayor a letter about the amount of people that were at the pool and not having enough space for them on the deck itself. They are moving the fence toward Park Avenue and the people can then lie on the grass.

Councilman A. A. "Joe" Savilla asked Wayne Fleshman if he would introduce himself. He had spoken with some members of Council about wanting a better sign for Somewhere in Time antique mall. Councilman Harry Miller, III said he attended a Community Development Committee meeting of the NDA and they discussed this. Mr. Fleshman said there are five antique shops located in Nitro, and we could be designated as the antique capital of Kanawha County. The Committee is looking into alternatives to increase the signs, but didn't know exactly what approach to take, but they are aware of it. City Attorney April Robertson said she would look into this and see what the State and Federal criteria would be.

Councilwoman at Large Brenda Tyler reported that they are enlarging the playground by moving the fence back. She said they ordered a sandbox last year and A. J. Hill, Director of Public Works is getting ready to put this in. Also, the handicapped swings are in. She said she thinks Chief Jordan and A. J. Hill have plans to put a drainage system in at the playground to drain the water off and keep it dryer. She reported the bricks have been engraved and they are getting ready to put them in. Mr. Mann called Councilwoman Tyler last week and she took him out to Currey's at Alum Creek, and he has ordered a special bench to go over at the memorial wall with the

engravings of his military company on it It is very nice and very complimentary. All of this should be done before the first of September.

Mayor Casto reported that the former Mayor of St. Albans, Eddie Bassitt, suffered a severe stroke last week, and he wasn't expected to live through the night.

There being no further business to be conducted, COUNCILMAN HARRY MILLER, III MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

RUSTY CASTO, MAYOR

Joan McClanahan

JOAN MCCLANAHAN, RECORDER

DRAFT 1/15/02

NITRO SANITARY BOARD

Lost Revenue

		Percentage Increase	Minimum Bill Increase	Average Bill Increase
Republic Conta	25,050			
Great Lakes	6,800			
Fike Artel	4,290			
Total	36,140	3.09%	$0.36	$0.73

Employee Pay Raises

Wages FYE 6/30/01	5% Increase	Classification Upgrade	Total Increase			
271,226	13,561	5,000	18,561	1.59%	$0.19	$0.39

Additional Employees Needed

	Annual Wages	Benefits	Taxes	Total			
1st employee	24,960	8,371	3,499	36,830	3.26%	$0.36	$0.73
2nd employee	16,640	7,581	2,333	26,554	2.31%	$0.26	$0.53
3rd employee	16,640	7,581	2,333	26,554	2.31%	$0.26	$0.53
4th employee	24,960	8,371	3,499	36,830	3.26%	$0.36	$0.73
Total	83,200	31,904	11,664	126,768			

New Truck for CSO Crew

Cost	Terms	Annual Payment	Annual O&M Exp.	Total			
50,000	20 yrs @ 3%	3,697	5,000	8,697	0.74%	$0.08	$0.18

Dump Truck

Cost	Terms	Annual Payment	Annual O&M Exp.	Total			
20,000	20 yrs @ 3%	1,479	5,000	6,479	0.60%	$0.06	$0.13

General Manager's Vehicle

Cost	Terms	Annual Payment	Annual O&M Exp.	Total			
20,000	20 yrs @ 3%	1,479	5,000	6,479	0.60%	$0.06	$0.13

Excavator

Cost	Terms	Annual Payment	Annual O&M Exp.	Total			
25,000	20 yrs @ 3%	1,849	5,000	6,849	0.62%	$0.08	$0.16

Camera System

Cost	Terms	Annual Payment				
40,000	20 yrs @ 3%	2,958	0.27%	$0.04	$0.07	

Miscellaneous

Smoke Testing Equip.	Miscellaneous Tools	Total			
1,500	1,000	2,500	0.27%	$0.04	$0.07

	Amount	Terms	Annual Payment			
2002 Projects	209,000	20 yrs @ 3%	15,454	1.34%	$0.16	$0.31
Line of Credit	178,930	20 yrs @ 3%	13,230	1.16%	$0.14	$0.26
			Totals	21.50%	$2.44	$5.02

RESOLUTION 02-03

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"), operates a sanitary sewer system known as the Nitro Regional Wastewater Utility.

WHEREAS, the Sanitary Board, after consultation with the Joint Committee of City Council and Sanitary Board, proposes a two step rate increase. The proposed first step represents a 15.7% increase to compensate for lost revenue resulting from the loss of customers, to pay competitive wages, to add employees, and for other routine expenses of operation. This step is necessary to implement the Sanitary Board's Combined Sewer Overflow ("CSO") plan which has been mandated by the West Virginia DEP and the U.S. EPA. The second step constitutes and 8.00% increase over current rates or a 6.8 increase over the 15.7% increase proposed in the first step. It is proposed that the second step be implemented one calendar year from the date of implementation of the first increase. Step two will be applied to the 2002 projects, and pay debt service on the acquisition of a CSO truck, a dump truck, a GM vehicle, and a camera system.

WHEREAS, the attached "Ordinance No. 02-02, Ordinance Amending and Reenacting an Ordinance Establishing Rates and Charges for Service Rendered by the Nitro Regional Wastewater Utility" which is incorporated herein by reference, will, if adopted amend and reenact prior sewer rate ordinances of the City, specifically including but not limited to that Ordinance of May 1, 2001 which amended certain rates and charges for the use of the Nitro Regional Wastewater Utility.

NOW, THEREFORE, BE IT RESOLVED BY THE SANITARY BOARD OF THE CITY OF NITRO, AS FOLLOWS:

Consider and adopt forthwith the attached Ordinance No. 02-02.

WITNESS our signatures on this 26th day of February, 2002.

THE SANITARY BOARD OF THE CITY OF NITRO

By: _____
Mayor of the City and
Chairman of Sanitary Board

_____
Member

_____
Member

_____
Member

_____
~~Engineer~~-Member

CERTIFIED COPY OF PETITION.

_____
Recorder

RESOLUTION NO. 03-04 A

A Resolution setting forth an order calling for a special election for additional municipal levy in the City of Nitro, Kanawha and Putnam Counties, West Virginia.

ORDER AND NOTICE OF SPECIAL ELECTION FOR ADDITIONAL MUNICIPAL LEVY TO THE VOTERS OF CITY OF NITRO

That at a regular meeting of the Council of the City of Nitro, State of West Virginia, Held on the 17th day of June, 2003, as provided by law, the following order was made and entered of record, to wit:

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

1. That the purpose or purposes for which additional funds are needed is/are as follows:
   A. Street maintenance and repair
   B. Parks and recreation
   C. Firemen's wages
   D. Street Lighting
   E. Policemen's wages
   F. Library
   G. Fire hydrant rental

2. That the approximate amount for each purpose is as follows: (Annual Total)
   A. $ 35,000.00
   B. $ 25,977.00
   C. $ 70,109.00
   D. $ 41,659.00
   E. $136,528.00
   F. $ 46,972.00
   G. $ 12,750.00
   Total: $368,995.00

3. That the total approximate amount for said purpose or purposes is: (Grand total for levy term)
   A. $ 175,000.00
   B. $ 129,885.00

C. $ 350,545.00
D. $ 208,295.00
E. $ 682,640.00
F. $ 234,860.00
G. $ 63,750.00
Grand Total: $ 1,844,975.00

4. That the separate and aggregate assessed valuation of each class of taxable property within City of Nitro is as follows:

Class II	$ 72,365,830.00
Class IV	$ 120,836,032.00

5. That the proposed additional rate of levy in cents per one hundred dollars of assessed valuation on each class of property is as follows:

Class II	12.50 cents
Class IV	25.00 cents

5a. That in the event separate and aggregate assessed value of each class of taxable property within the City of Nitro increases during the term of the special excess levy, the levy rate shall be adjusted so that the projected tax collection will not exceed $368,995.00 in any fiscal year.

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 2004, July 1, 2005, July 1, 2006, July 1, 2007, and July 1, 2008.

7. That the City Council will not issue bonds upon the approval of proposed levy.

8. That the question of such additional levy shall be submitted to a vote at a Special Election to be held on the 27th day of September, 2003.

9. That notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election in two newspapers of opposite politics and of general circulation in the territory in which the election is held. If there is only one newspaper published in the county, said publication shall be made therein. All the provisions of the laws concerning general elections shall apply as far as they are practicable, except that a separate ballot shall be used at such election when held in connection with any other election.

10. That the ballot to be used at such election shall be in the following form.

OFFICIAL LEVY BALLOT

Special election to authorize additional levies for the fiscal years beginning July 1, 2004, July 1, 2005, July 1, 2006, July 1, 2007, and July 1, 2008,for the following purposes:

A. Street maintenance and repair $35,000.00

B. Parks and recreation $25,977.00

C. Firemen's wages $70,109.00

D. Street lighting $41,659.00

E. Policemen's wages $136,528.00

F. Library $46,972.00

G. Fire hydrant rental $12,750.00

According to the order of the City Council entered the 17th day of June, 2003.

The additional Levy shall be on Class II property 12.50 cents, on Class IV property 25.00 cents per $100 of assessed valuation.

INSTRUCTIONS: Those favoring the additional levy, place an "X" in the square before "For the Levy." Those against such levy, place an "X" in the square before "Against the Levy."

( ) For the Levy

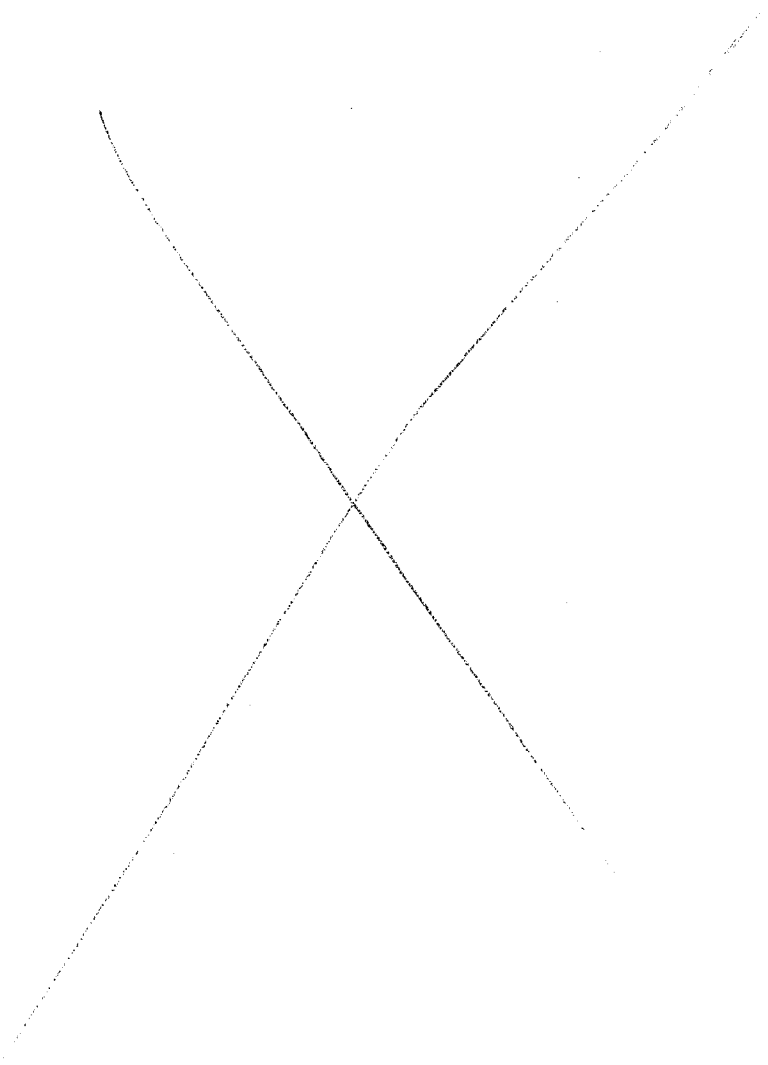
( ) Against the Levy

City of Nitro
Nitro City Council

By: _____
RUSTY CASTO, MAYOR

ATTEST:

Joan McClanahan
JOAN MCCLANAHAN, RECORDER



Sec. 157-37 Solicitations

Procedures

(a) No City employee shall solicit pledges or contributions nor promote sales for any cause during working hours without written approval of such employee's Department Head, the Recorder, or the Mayor.

(b) Others shall not solicit employees for pledges, contributions, or enrollments during working hours, except those programs provided by the City as an employee benefit to all regular employees.

(c) Solicitations for optional programs for which the City provides the convenience of payroll deductions must take place outside the employee's duty time (i.e. during meal periods, or before or after work).

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Sec. 157-38 Rest Periods and Breaks

(a) Policy: Because of variation in work schedules and needs among departments, the City does not define a uniform policy for rest periods or breaks in all departments or divisions. If feasible, a Department Head may allow up to two ten-minute rest periods per day, but circumstances may exist which make regular rest periods or coffee breaks impossible. Such rest periods are allowed entirely at the City's discretion, are not cumulative nor a right, and are subordinate to any City business that is occurring.

(b) Procedure: Department Heads may, subject to review of the mayor, establish appropriate rest period practices which will best serve the City interest in the work units under their supervision.

(c) Safety Concerns: Department Heads are encouraged to be knowledgeable and follow requirements concerning safety standards requiring rest periods during heavy physical labor and/or high temperature conditions.

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