

CITY OF NITRO  
COUNCIL MEETING MINUTES

JULY 1, 2003

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:00 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 was City Attorney April Robertson. Absent were City Treasurer Ralph Allison and Councilman at Large Richard Savilla.

AGENDA ITEM NO. 1 – APPROVAL OF JUNE 17, 2003 COUNCIL MEETING MINUTES: CITY RECORDER JOAN MCCLANAHAN MOVED FOR THE APPROVAL OF THE JUNE 17, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED WITH COUNCILMAN AT LARGE TIMOTHY SIZEMORE ABSTAINING.

AGENDA ITEM NO. 2 – RIC: Mayor Rusty Casto said the gentleman from RIC was not present.

AGENDA ITEM NO. 3 – CITY ATTORNEY APRIL ROBERTSON: Nothing to report at this time.

AGENDA ITEM NO. 4 – CITY TREASURER RALPH ALLISON: Not present.

AGENDA ITEM NO. 5 – MAYOR'S COMMENTS: Mayor Rusty Casto said last week he received from RIC the book on the St. Albans-Nitro Bridge. There are seven bridge locations with a starting cost of between \$80,000,000.00 and roughly \$130,000,000. He will donate the book to the Nitro Public Library so it will be available to be read. The other copy he receives he will give to Sen. Byrd to try to get some funds to build the bridge. Councilman at Large Timothy Sizemore said they need to reverse the name because ninety percent of the bridge will be on Nitro City property.

Councilwoman at Large Brenda Tyler said she spoke with the Mayor and he made contact with the Department of Highways and there is suppose to be somebody here within the next two to three days to take a look at getting 21<sup>st</sup> Street paved. There are still improvements going on at the pool and those projects will continue. They are very proud of the work going on over there and of the work done by Public Works and the city employees who have put in so much time working on that project.

City Recorder Joan McClanahan stated that Nitro is now listed in the Midland Trail brochure. The Midland Trail has been designated as "National Scenic Byway – WV US Route 60". All towns that run on either side of Route 60 are listed. There is a short paragraph about Nitro. The brochures are available at area businesses at no charge.

Councilwoman at Large Brenda Tyler gave an update on the Nitro Homecoming scheduled for July 18, 19, and 20. She received confirmation today that there will be a representative from Jessica Lynch's family at the Nitro Homecoming Parade on Saturday morning. On Friday night there will be a 50's - 60's Night with music, an old time street dance, and Elvis impersonator. There will be lots of music, bands, and food. On Sunday afternoon there will be an all-day Gospel Sing that will take place in the Community Center. There will also be a pool party and fireworks at 10:00pm. The Car Show and Motorcycle Show will be on Saturday.

Mayor Rusty Casto said the two roads he was going to bring to the attention of RIC were 2<sup>nd</sup> Avenue between 25<sup>th</sup> Street and 40<sup>th</sup> Street and 31<sup>st</sup> Street East between 31<sup>st</sup> Street and 40<sup>th</sup> Street. City Recorder Joan McClanahan asked if he could still do that even though there is not a representative present from RIC. Mayor Casto stated that is why he wanted it put in the Council Meeting Minutes. Police Chief Jack Jordan was also going to discuss Streetscape.

COUNCIL WAS ADJOURNED FOR A FIFTEEN MINUTE RECESS AT WHICH TIME THEY WILL REASSEMBLE FOR THEIR MEETING WITH MR. HIGHT, AND REPRESENTATIVES FROM - FMC, AND KEMRON.

COUNCIL RECONVENED AT 7:30 PM

Chris Amick and Dave Hight gave an update on the Nitro Landfill project. Dave Hight said they are looking at postponing the waste removal on some of the residential properties adjacent to the landfill. They first need to do some other investigation work to gain more information about what they will be removing. It is already scheduled. The landfill operated in the early 1960's until around 1970 as a municipal landfill. FMC also had approval to dispose of some of their processed wastes at this landfill during the same time period. Over the years there have been a number of investigations on the site. Last summer they did a geophysical survey to define the boundaries of the landfill. Based on this survey they found some areas that indicated metallic objects. They identified several areas outside of the fenced area that FMC and the City agreed should be removed. Originally the work was to be done this spring, but due to problems it had to be postponed until after the first of October. The original plan was to do the excavation work and any non-hazardous materials would be moved back onto the area within the landfill itself. Any hazardous materials would be shipped off-site. They would then go into a second phase of site assessment to try to determine areas that they found initially that indicate the landfill continued back across Smith Street. There will be a geophysical survey in this area. Based on the ground water results there were four monitoring wells installed and there will also be three more monitoring wells installed. There will be some sediment sampling done of the Kanawha River as well. This work will be done in August. The removal action will be done after that. They have added to the assessment work some additional soil borings to determine how deep the base of the old landfill is to determine how much material is there. They also found out that the old exit is not where they thought it was. They will do additional boring work in that area to try and find where the old back water entry was and to install a well in that area. Additionally Chris



Amick said the EPA had some yellow drums there for a number of years and they are finally off-site. There are some remaining drums from the first phase of work that they did. During the next phase of investigation they will get rid of the drums that are out there now in addition to any that are generated through the investigation. They are taking all the data from this additional investigation and combining it with the data from the first phase of investigations and issue a combined site assessment report. Once it is generated at the end of this process it will be in the public depository at the Nitro Library. This should be about September. The additional investigations are tentatively planned for August. They are in the process of getting a work plan. Off-site removal activities should begin in October. He talked about details on their map. There will be five separate sediment transects with four sediment sample locations per transect. There will be twenty-nine geo-approved soil borings. There are locations on the map for the 3 new proposed monitoring wells and doing some additional geophysical work as mentioned along the former Smith Street entrance. All of these data points are located on the map. Prior to any work being done they will get together with any of the landowners and work to negotiate an access agreement. If they don't obtain an access agreement they can't do the work. After the well installations they will gauge them for groundwater flow. They will also determine what affect a capping remedy may have on the groundwater flow. They will make sure a capping remedy does not adversely affect the properties. They will locate some of the geo-probe points outside the extent of the fill to determine if any of that material is impacted. If they find it is impacted they would have to reassess their work schedule.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THEY GO INTO EXECUTIVE SESSION SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED. COUNCIL WENT INTO EXECUTIVE SESSION AT 8:10 PM. COUNCILMAN A.A. "JOE" SAVILLA ASKED THAT A.J. HILL, DIRECTOR OF PUBLIC WORKS AND BRYAN CASTO, BUILDING INSPECTOR REMAIN.

COUNCIL RECONVENED BACK IN REGULAR SESSION AT 8:30 PM.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT MAYOR RUSTY CASTO CONTACT S&S ENGINEERING IMMEDIATELY TO DO AN ENGINEERING FEASIBILITY STUDY ON THE STORM SEWER PROBLEM ON 3<sup>RD</sup> AVENUE AND 10<sup>TH</sup> STREET. IN THE EVENT THEY ARE UNABLE TO DO IT THE MAYOR IS TO CONTACT THE NEXT BEST ENGINEERING FIRM. ONCE THE REPORT IS RECEIVED THE MAYOR WILL SUMMON COUNCIL TO AN EMERGENCY MEETING, SECONDED BY CITY RECORDER JOAN MCCLANAHAN, AND WAS CARRIED.

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There being no further business to be conducted, COUNCILMAN DAVID MILLER MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR

  
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JOAN MCCLANAHAN, RECORDER



Agenda for Public Meeting  
Off-Site Waste Removal Postponement  
and  
Phase II Site Assessment Work Scope  
Nitro Sanitation Landfill  
Nitro, WV

Welcome/Introductions (C. Amick)

Background (D. Hight)

Project Status (C. Amick/D. Hight)

Off-Site Waste Removal Postponement (C. Amick)

Off-Site Waste Removal Revised Estimated Schedule (C. Amick)

Phase II Site Assessment Work Scope (C. Amick)

Phase II Site Assessment Estimated Schedule (C. Amick)

Q&A Session

Council Adjournment

Informal Poster Session



# 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



CITY OF NITRO  
COUNCIL MEETING MINUTES

JULY 15, 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, and Bobby Smith. Also present were City Attorney April Robertson and Treasurer Ralph Allison. Absent was Councilman Harry Miller.

Mayor Casto asked Council to remember Shelly Kostelansky, a member of our Zoning Board of Appeals, who had an ATV wreck on July 4 and broke her back. It damaged her vertebrae and she underwent surgery for nine hours yesterday.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF JULY 1, 2003 COUNCIL MEETING MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE JULY 1, COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED WITH COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINING.

Mayor Casto yielded the floor to a former school teacher, Mr. Tidquist who requested to address Council. Mr. Tidquist said he, along with his wife and Andy Shamblin obtained a signed petition asking the City to stop the burning of the house at 100 Walker Street until all necessary tests and studies are complete by all Federal, State, local and Environmental agencies, and to confirm and verify that there are absolutely no health or environmental hazards in the area of the property.

Bryan Casto commented that everything Mr. Tidquist is asking has been required already, and he thinks that we probably will not burn the house due to the opposition, and we do not want to upset the neighbors. He said he imagines that if the owner proceeds with the plan, the house will be demolished instead of burned.

Mayor Casto thanked Andy for taking the time and being a good citizen and going around door-to-door.

Councilwoman at Large Brenda Tyler thanked Andy for being a good citizen and being a concerned about the community and going forth with the effort.

Councilman A. A. "Joe" Savilla said in a few years Andy would be sitting in one of their seats.

AGENDA ITEM NO. 2- CITIZEN OF THE MONTH: - Mayor Casto announced the July citizen of the month is Derek Midkiff, a quarterback for Nitro High School for the past four years, a good baseball player and in the newspaper a couple weeks ago stated, "Nitro's Midkiff leads the South to victory." The Mayor said that as he got Nitro in the headlines, he would make him citizen of the month. He said Diehl's was closed and he couldn't get him the two dinners there, but he has ordered movie theater tickets and also two dinners at Diehls from City Council in recognition of him being citizen of the month. Derek received a big round of applause. Ivan Meadows said he kept the stats for the high school for years and kept them for Derek. Mr. Meadows said he also kept the stats for the North/South game and if Derek had players that would have gotten him the ball; it is hard to tell what kind of record he would have broken in the North and South game. He said he broke the record anyway and had a time getting the ball; he had to scramble for the ball on almost every play. Derek is going to Concord and will be playing football.

Councilman A. A. "Joe" Savilla said he would look forward to following Derek's career at Concord.

City Recorder Joan McClanahan said she wished Derek all the luck in the world. She said she was very proud of him, and was sure he would continue to do well.

AGENDA ITEM NO. 3 - NDA - TOM BREWER: - Mayor Casto yielded the floor to Tom Brewer. Mr. Brewer, President of NDA, requested that Council reconsider their position they took on NDA being incorporated. He said the reason he is asking this is in order to seek funding from various agencies, they must have a 501-C3 (nonprofit organization certificate). He said they need this, not only to go after grant money, but also to accept donations and gifts which would be tax deductions. Councilwoman at Large Brenda Tyler said she agreed with Mr. Brewer that this is something they need to do in order to receive the tax exempt status and in order to get donations made to the NDA. She said this is something they ran into several years back and in the process that is when a few mistakes were made which have been corrected. She said she feels the NDA is moving in the right direction, and this is something they need to do. Councilman A. A. "Joe" Savilla said he feels the NDA and Council need to meet and do a little brain storming together to see if we can't find some common grounds and work toward the betterment of Nitro. Councilwoman at Large Brenda Tyler commented that Mr. Brewer has extended an invitation to Council many times. Councilman at Large Tim Sizemore that our problem was the way it was set up previously. City Attorney April Robertson read in her file about her recommendations to Council about a year and a half ago. She mentioned that the way it is set up is that one of the members is supposed to be a member of the governing body of the City. It is incumbent on that person to communicate back to this body of plans and actions so that the NDA would not be operating without the knowledge of Council.



Mayor Casto said he has discussed this with Ken Kniceley and also talked with Mr. Brewer about the roads going to the Fike/Artel property. He said they are having trouble determining who the road belongs to, and who has authority of the road. The road needs paved and right now, he doesn't think anybody knows who the road belongs to. Mr. Brewer agreed with Mayor Casto. Councilman at Large Tim Sizemore said that when it was first incorporated he thought the road was part of it, but is a chance that only the land that was privately owned was the incorporated part. The Mayor said that since the incorporation, people have opened up a road on down that is probably on private property. Mayor Casto asked the City Recorder Joan McClanahan if she would check the minutes and if there is a map attached. City Attorney April Robertson said she would check the material she has on this.

Tom Brewer is employed by Peoples Federal Credit Union and said they offer a full range of service. The City of Nitro employees are members.

AGENDA ITEM NO. 4 – HOME COMING: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Friday, Saturday and Sunday is our third annual homecoming. We will be celebrating our stars and stripes, honoring our military. There will be several different divisions that will be here to participate in the parade. Representatives from Jessica Lynch's family will be here. We have had a lot of businesses donate this year and help us with this event. She mentioned the Golf Tournament at Big Bend Friday, and the Catfish Fishing Tournament all night Friday. Friday evening around 7:00 p.m. there will be opening ceremonies on 21<sup>st</sup> Street. There will be entertainment Friday night. Saturday morning there will be a parade at 10:00 a.m. After the parade they will be honoring the military and presenting a plaque which was donated to Jessica Lynch's family and her city on 21<sup>st</sup> Street. There will be a motorcycle and car show, all kinds of foods, a trolley will be present to give rides until 1:00 p.m., there will be arts and crafts, a live DJ all day long and around 6:00 p.m. the Legends and Crawdad Smooties will be performing until 11:00 p.m. On July 20, at the Cathy Mathea Auditorium from 1:00 p.m. to 6:00 p.m. there will be a gospel sing. There will be a pool party from 1:00 p.m. until 10:00 p.m. At 6:00 p.m. at Underwood Field, there will be a concert with Lee McCormick until 10:00 p.m. and then the fireworks will begin. All the money will be used for the children's park and to try and raise the money to get our water park for the children. Lots of people have worked hard and she asked everyone to come out and show their support. Diehl's Restaurant and the Teays House bought shirts for the staff.

COUNCILMAN DAVID MILLER MOVED FOR APPROVAL OF SELLING BUMPER STICKERS ON FIRST AVENUE, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

Councilman David Miller advised that there was also a rummage sale at St Paul's United Methodist Church gym Saturday from 9:00 a.m. until 12:00 noon to try and raise money for rescue equipment.



AGENDA ITEM NO. 5 – AMBULANCE STATION ROOF: - Mayor Casto said the roof at the ambulance headquarters is leaking, and Bryan Casto said the estimate was around \$6,000. COUNCILMAN DAVID MILLER MOVED THIS BE PUT OUT FOR BIDS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 6 – APRIL ROBERTSON:- Nothing to report.

AGENDA ITEM NO. 7 – RALPH ALLISON: -Mayor Casto yielded the floor to the Treasurer Ralph Allison. Mr. Allison said he had a meeting with the clerk at Dunbar and the other finance committee members reference the Humane Officer situation. They are trying to work out the details such as expense involved, the schedule and how everything would work. The meeting went real well and hopefully they will have something worked out by September 1.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS:- Councilman A. A. "Joe" asked if the City could pay for the fireworks. Councilwoman at Large Brenda Tyler responded the City has always paid for the fireworks.

Councilman David Miller said he wanted to commend the City work force during the storm the other night. There were trees down, lines down and the employees worked well together.

Councilman at Large Richard Savilla said he talked with the Treasurer Ralph Allison and few other Council members about the issue of supplementing the income of our employees that are on active duty and trying to offset the difference of their base salary, not overtime, and their military salary. They are taking a big hit. He said the last distraction they need are financial problems here. City Recorder Ralph Allison said it would be around \$800.00 a month difference. Councilman at Large Richard Savilla asked if this would be financially feasible, and Mr. Allison said money is not the greatest at this time, but if Council feels this needs to be done we can. Councilman A. A. "Joe" Savilla asked the City Attorney to check on this to ascertain the legality. COUNCILMAN DAVID MILLER MOVED WE PAY OUR ACTIVE MILITARY EMPLOYEES THE DIFFERENCE IN MILITARY PAY, SUBJECT TO THE APPROVAL OF OUR CITY TREASURER RALPH ALLISON AND CITY ATTORNEY APRIL ROBERTSON, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

City Treasurer Ralph Allison said along the same lines, it is unbelievable on the conditions some of these guys are working in.

Councilman at Large Timothy Sizemore complemented the City employees on an excellent job during the storm.

Councilwoman at Large Brenda Tyler said a few weeks ago, Mike Payne from the Nitro Lions Club, invited us to come to their meeting where they are doing the



presentations of the new officers on July 22, 2003 at 6:00 p.m. Please call Mike Payne or Jeff Smith if you are able to come as they are serving a meal. They are also doing a garage sale on July 26, on Brookhaven Drive. They will take contributions if anyone would like to donate anything. They also accept reading glasses. There is a box at the post office.

City Recorder Joan McClanahan introduced Mark Goodall who would like to say a few words. Mark Goodall said he would like to thank Joan McClanahan, Rusty Casto, Bryan Casto, A. J. Hill for getting the tree moved.

The Little League Tournament starts Monday.

City Recorder Joan McClanahan said there is a new book out called Cold Quarry written by Andy Straka. It is a mystery set in Nitro and the Kanawha Valley. Mr. Straka was in City Hall and interviewed Bryan Casto and herself, and was kind enough to mention them in the acknowledgement. It sounds like an interesting book.

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

  
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RUSTY CASTO, MAYOR

  
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JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 5, 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 in memory of three Nitro citizens that recently passed away. They are Mr. David Collins, Councilmen Harry and David Miller's grandmother, Mrs. Virginia Miller and former Fire Chief Tinker Rawlings.

DELEGATE TIM ARMSTEAD GAVE THE INVOCATION.

DELEGATE RUSTY WEBB LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF JULY 15, 2003 COUNCIL MEETING MINUTES: COUNCILMAN DAVID MILLER MOVED THE JULY 15, 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 – CITIZEN OF THE MONTH: Mayor Casto announced that the citizen of the month is Debbie Jordan for all the work she did at the Homecoming. Chief Jack Jordan accepted a plaque and dinner at Diehl's Restaurant for his wife.

Mr. Vaughn, attorney for the Sanitary Board, addressed Council. Three years ago an ordinance was passed authorizing the Sanitary Board to have a line of credit with United National Bank to aid in the construction projects that were undertaken at that time. The note and transaction matured May 25, 2003. It was put back out to bid and Huntington Bank gave a bid of 2.49% which is very low. The bank also offered to pay half of the fees. Mr. Vaughn advised Council on behalf of the Sanitary Board that they have entered into the agreement with Huntington Bank. COUNCILMAN HARRY MILLER III MADE A MOTION TO READ THE ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. The title was read, "Ordinance authorizing the financing of certain expenses incurred in operation and maintenance of the sewerage facilities of the City of Nitro and providing for other capital improvements within said city not otherwise provided, through the entering into of a line of credit with the Huntington National Bank, Charleston, West Virginia, not exceeding \$2,000,000.00 in principal amount, evidenced by a promissory



note; providing for the rights and remedies of and security for the holder of such note; Authorizing execution and delivery of a line of credit agreement, promissory note and other documents relating thereto; and providing for the terms and provisions of such line of credit agreement and note and adopting other provisions relating thereto.”, COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF ORDINANCE ON FIRST READING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Gentlemen from RESCAR addressed Council regarding Norfolk and Southern taking over Conrail in 1999. At that time there was a letter stating that nothing would change in the process of transferring cars. In March 2003 they started charging a \$300.00 switch fee. This fee was originally charged to the customers without the gentleman from RESCAR even being aware of it. Due to the Regional office being closed and moved to Texas they can no longer find the original letter stating there would be no changes. He asked for assistance from the City in coming up with a copy of the original letter. Norfolk and Southern told him if he could show them the letter they would null and void everything they have charged so far. Mayor Casto told him the City would do everything they could to help.

AGENDA ITEM NO. 3 – WATER ON HICKORY ROAD: Councilman at Large Timothy Sizemore met with Mark Sancioff, Operations Superintendent for West Virginia American Water. According to Mr. Sizemore Hickory Road is located off 31<sup>st</sup> Street East and was left off the water project. They have to pump their own water and there are no fire hydrants. Five years ago there was discussion about getting water there with a booster. At the time it was very costly. Since then the Lakeview project has laid their own water lines. Councilman at Large Timothy Sizemore spoke with SOLCO, the owner of that property. They would agree to allow the City to hook up to their 8 inch main and then run it down the hill and out to the end of the point. It would cut the cost in half. He spoke with the engineers and they suggested running nothing less than 6 inch lines for the main due to possible future development and support of fire hydrants. Total length would be about 2,500 feet. It will cross private property so right of ways will need to be established. This should be no problem. Estimated cost for the project is \$53,948.00. Under the Public Service Commission's rule West Virginia American Water can invest up to \$1, 435.00 per customer toward the project. This would total close to \$12,000.00. There are eight houses involved and in order to qualify for the contribution under the Public Service Commission rules all eight houses would have to sign up to accept water. Engineering has been done and a map is available. At this time the City does not have the \$42,000.00 to spend on the project. Councilman at Large Timothy Sizemore hopes that they will be able to find additional funding from the county or other sources, but it is not feasible for this year. Building Official Bryan Casto went with the Project Engineer today. They measured it off and determined where they want to run the water line. Councilman at Large Timothy Sizemore said they need to try to secure funding between now and March so they can put out requests for bids the first of April. Estimated time for work to be completed would be three weeks. Hickory Road resident Cecil Magaw said all the homeowners are in agreement for the work to be done. They were told almost 30 years ago when the sewer line was put in that they were going to follow it with a water



line. It never took place. They have no water pressure and two houses and one barn have burnt down up there. They need a fire hydrant. Mr. Magaw said he spoke with Susan Blake of the Planning Commission. She told him the Commission matched funding at Elkview and she saw no reason why they wouldn't match funding here as well. Mayor Rusty Casto agreed to write the Planning Commission and the County Commission requesting they match funds. Another Hickory Road resident mentioned the holes in the road. Mayor Casto said he would have Alex Hill, Director of Public Works check on it tomorrow. The residents expressed their appreciation to Councilman at Large Timothy Sizemore for all the work he has done on this project.

AGENDA ITEM NO. 4 - APPROVAL OF POLL WORKERS: City Recorder Joan McClanahan gave each council member a list of poll workers for the election on Sept. 27, 2003. It was taken from the last list in 2000. Most have already returned their confirmations. She is still in need of more alternates from both parties. COUNCILMAN DAVID MILLER MADE A MOTION TO ACCEPT THE LIST OF POLL WORKERS, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

COPY ATTACHED.

The owner of Miracle Cleaners addressed Council concerning the road at Brookhaven. He has lived there for 31 years. When he bought the house he was told by Mr. Winters and Mr. Kirk that a certain section of property was owned by him. Both men have since died and other residents are now telling him he does not own the property in question, but that it belongs to the city. He has discussed this matter with Building Inspector Bryan Casto. Mr. Casto could not determine that the property did belong to the homeowner and there is nothing in his deed which states that it does. Councilman A.A. "Joe" Savilla suggested he contact the Planning Commission concerning this problem. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT MAYOR RUSTY CASTO AND BUILDING INSPECTOR BRYAN CASTO, ALONG WITH CITY ATTORNEY APRIL ROBERTSON, WRITE A LETTER TO THE PLANNING COMMISSION CONCERNING THIS SITUATION SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 - HOMEcoming REPORT: Councilwoman at Large Brenda Tyler stated that the Homecoming was very successful. Total income was \$28,038.25. Expenses were \$13,139.00. There is still some money due them. They will clear in excess of \$15,000.00 from the Homecoming and the proceeds will go to the Children's Park. Among those who helped with the planning were Police Chief Jack Jordan and his wife Debbie along with Alex Hill, Director of Public Works. Councilwoman at Large Brenda Tyler thanked everyone for everything they did to make the Homecoming a success.

Alex Hill, Director of Public Works, updated Council on what's going on at the Children's Park. The new swing set has been put in and the pad poured for the handicap accessible sand box. Councilwoman at Large Brenda Tyler added that by September all the bricks should be laid and the plaque should be on the wall. There will be an unveiling



of the wall recognizing the people that have made contributions. Mayor Rusty Casto said he thought the water park would cost around \$40,000.00 to be put in. He is going to the Kanawha County Commission and the Governor's office for the money. He is going to put it on the agenda at one of the next two meetings. Mayor Casto along with Tim and Steve Harrison is also working on a grant to get a heater for the pool so there can be senior citizen aerobics and also for therapy for stroke and heart patients. Scott McClanahan, Director of KVSS, is helping to get the heater.

AGENDA ITEM NO. 6 – APRIL ROBERTSON: City Attorney April Robertson stated that at the last meeting a representative from the Nitro Development Authority came and asked about the possibility of Council reconsidering letting them be an incorporated body so people could give grants and donations and their giving would be considered tax deductible by the IRS. As of today the Secretary of State's office still lists the Nitro Development Authority as a corporate body. However no one from that organization has ever filed the necessary form with the IRS. They need to file form 1023. They are still a corporation so they can file 501C3 status with the IRS. She recommended that if they want the tax-exempt status they are seeking they can file the form. If they need assistance with that she offered either her or City Treasurer Ralph Allison's assistance. There is no action necessary from Council on this matter. Attorney April Robertson also brought a booklet on how businesses can be put on the signs on the interstate. Discussion had been made in the past concerning how nice it would be if the group of Antique businesses on 21<sup>st</sup> Street could be placed on one of the Services and Attractions signs. There are forms in the booklet that need to be filled out. The application has to be reviewed by the Division of Highways and there is a fee to rent space on the sign. April Robertson also mentioned that at the last meeting there was discussion concerning whether or not the City could continue to pay the salaries of the city employees who are also servicemen serving overseas. She did not find anything to prevent that. Also the information that the WV Housing Development Authority left to help city employees buy houses looks fine. There was some discussion about the roads on the Fike Artel property – in terms of who owns it. She found a map and verified the area in question belongs to the City. COUNCILMAN HARRY MILLER III MADE A MOTION TO PUT THE PAVING OF THE ROAD OUT TO BID, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 – RALPH ALLISON: Military pay for city employees was discussed at the last Council Meeting. There is one city employee who is in the military right now. The difference between his base pay with the City and his base pay with the military is \$804.86 per month. Mr. Allison stated that the city can afford to pay the difference between his military pay and his city pay. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO PAY THE DIFFERENCE BETWEEN THE CITY PAY AND THE MILITARY PAY EFFECTIVE AUGUST 1, 2003, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Council members were given a copy of the suggested joint agreement between the City of Nitro and the City of Dunbar in reference to the Humane Officer. The Humane Officer for the City of Dunbar had another meeting so he could not attend tonight's



meeting. He hopes to be able to attend the next council meeting so everyone can meet him. The Humane Officer will be on the City of Dunbar's payroll, on their insurance policy, and be employed by them. They will bill the City of Nitro once per quarter for half of all expenses. He will spend half his time in Dunbar and half his time in Nitro. He will alternate his schedule so he will be in each city on different days each week. They will not be able to use our truck. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT THE MAYOR SIGN A JOINT AGREEMENT BETWEEN THE TWO CITIES FOR THE HUMANE OFFICER, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

#### COPY OF AGREEMENT ATTACHED

Mayor Rusty Casto told City Attorney April Robertson that the City of Dunbar has requested that both city ordinances be alike as much as possible so the Humane Officer will have consistency in the laws.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Rusty Casto asked Building Inspector Bryan Casto to bring everyone up to date on the standing of the house on 12<sup>th</sup> Street which burnt down. Mr. Casto spoke with the current owner yesterday. He has contracted Rodney Loftis to have an asbestos inspection conducted on the property. The owner's plan is to remodel the house, but is not sure if this will be feasible. By the end of the month the house will either be well on the way to being remodeled or will be demolished.

Delegate Rusty Webb addressed Council. He showed architect designs of the most recent schematics for the property across from Goody's at the Nitro Marketplace. THF has agreed to give the property to a non-profit corporation under Title 501C3. Mr. Webb has been working with the Nitro, Cross Lanes, and Poca Soccer Association. The head person had been transferred so he lost track of the leadership of that organization. He met again with them last Saturday. He was advised that they are a subsidiary of the Kanawha Valley Soccer Association. They are the group that 2 years ago dedicated property at Trace Fork to build soccer fields. Part of the schematic for the property incorporates a 55,000 sq. ft. natatorium. The City of Nitro has about an acre out there which would make a prime additional soccer field. If the City donated the property it would be with the reservation that if it ever stopped being used for recreational purposes; or specifically a soccer field, then it would revert back to the City. Under the schematic there are 4 soccer fields and a natatorium. One advantage is that once these projects are in place Kanawha County will have sufficient soccer fields to bring in large tournaments.

Councilman Bobby Smith wanted to see if he could get someone to get rid of the 4 wheelers as they are digging up everything in his area. Mayor Casto suggested he speak with Police Chief Jack Jordan.

Councilman at Large Richard Savilla stated that if they are going to approach the County and State for funding concerning the water project on Hickory Road they need to



at the same time tack on the fire hydrants on Carriage Way so everything can be taken care of at once.


Councilman at Large Timothy Sizemore suggested that sometime before the middle of September there needs to be a budget and finance meeting scheduled.

Councilwoman at Large Brenda Tyler stated that the National Bicycle League has replaced the people that have been running the BMX track. She said this is an improvement and things should be much better at the track.

City Recorder Joan McClanahan said she would be more than happy to do anything she can to help with the situation on Hickory Road.

Mayor Rusty Casto said he has written a letter to the Governor about 21<sup>st</sup> Street, especially between First and Second Avenues. He asked Tim Armstead and Rusty Webb to do whatever they could to get that road paved.

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

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

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

## NITRO MUNICIPAL LEVY ELECTION (9-27-03)

## PRECINCTS 22-23

RESA 39<sup>TH</sup> STREET

R	CLERK	OLIVA FAGAN 11 KANAWHA AVE	755-0520
D	CLERK	RICK MCDANIEL -1105 PARK AVE.	755-9718
R	SUPPLY COMMISSIONER	ALICE SHAFFER—3509 35 <sup>TH</sup> ST.	755-9387
D	COMMISSIONER (ESCORT)	MONOKA J. BROGAN—121 BAILES DR	755-1487

## PRECINCT 349

## NITRO WOMANS CLUB

R	CLERK	IRIS FINCH-111 FAIRVIEW DR. BROOKHAVEN	776-8411
D	CLERK (ESCORT)	BETTY J. SHREWSBURY-1441 PARK AVE	755-5433
R	SUPPLY COMMISSIONER	EVELYN HOPPER -1324 W 13 <sup>TH</sup> ST	755-2166
D	COMMISSIONER	CORABELL HANNA-21 BLAKE RD	755-7020

## PRECINCT 350

## NITRO WOMANS CLUB

R	CLERK	GRACE MILLER-2129 21 <sup>ST</sup> ST	755-2146
D	CLERK	MARY JO WILLIAMS-800 DUPONT	755-4946
D	SUPPLY COMMISSIONER	WILLA E. FRAZIER-2333 23 <sup>RD</sup> ST	755-9566
R	COMMISSIONER (ESCORT)	MATILDA MYNES-2158 21 <sup>ST</sup> ST	755-0329

## PRECINCT 351

## NITRO ELEMENTRY SCHOOL

R	CLERK	OLAF WALKER-2104 21 <sup>ST</sup> ST.	755-2384
D	CLERK (ESCORT)	RICHARD D. COLLINS-2137 21 <sup>ST</sup> ST N	755-9317
R	SUPPLY COMMISSIONER	CLYDE MYNES-2158 21 <sup>ST</sup> ST	755-0321
D	COMMISSIONER	PATTY YOUNG-205 WALKER ST.	727-4233

## PRECINCT 352

## NITRO ELEMENTARY SCHOOL

R	CLERK	BOB FINCH-111 FAIRVIEW DR. BROOKHAVEN	776-8411
D	CLERK	GEORGE ATKINS-304 KAN AVE	755-1375
D	SUPPLY COMMISSIONER	DONNA WILCOX-103 DUPONT AVE	755-5531
R	COMMISSIONER(ESCORT)	RUTH CARPENTER-1022 10 <sup>TH</sup> ST	755-2430

## PRECINCT 353

## UNITED STEEL WORKERS UNION 14614

R	CLERK	DORIS HUDNALL-113 KANAWHA AVE	755-2450
D	CLERK(ESCORT)	SHARON FOX-1520 W 15 <sup>TH</sup> ST	755-4060
R	SUPPLY COMMIONER	LESTER HUDNALL, JR.-113 KANAWHA AVE.	755-2450
D	COMMISSIONER	SANDRA DORSEY-1127 11 <sup>TH</sup> STREET	755-4913

## PRECINCT 354

## SHAWNEE COMMUNITY CENTER

D	CLERK	EARLENE PRIDDY-1 WASHINGTON AVE	755-5886
R	CLERK	SUE ELLEN ANDERSON-205-C HIILLSIDE	727-8462
D	SUPPLY COMMISSIONER	WANDA SMITH-203 WALKER ST	727-7801
R	COMMISSIONER (ESCORT)	BETTY G. COOK-223 JAMESTOWN RD	755-9771



## ALTERNATES

## (DEMOCRATS)

GERTRUDE ESTEP	704 KANAWHA AVE S.	543-3072
RUSTY COOK	#1 HICKORY ROAD	755-9395
BECKY COMBS	1005 10 <sup>TH</sup> ST.	755-1765
MISTY HOLTZMAN	1401 14 <sup>TH</sup> ST.	755-6107

## (REPUBLICANS)

DELORAS MCGUCKEN	1816 18 <sup>TH</sup> STREET	755-3123
NORMA JEAN DIXON	1435 14 <sup>TH</sup> ST	755-2216

## BALLOT COMMISSIONERS

D	FRED BOWEN	231 BROOKHAVEN DRIVE	776-2370
R	BESS STAHL	208 BROADWAY AVE.	755-3443

JOINT AGREEMENT  
BY THE CITIES OF DUNBAR & NITRO, WEST VIRGINIA  
FOR THE EMPLOYMENT OF A HUMANE OFFICER

1. Agree to share all expenses associated with the employment of a Humane Officer who will divide his/her hours equally between the Cities of Dunbar & Nitro, with the schedule being developed by the Chief of Police of each town. The Mayor or Chief of Police of each town will resolve any other problems, which may arise.
2. The Humane Officer will remain on the City of Dunbar Payroll and the City of Nitro will be billed by the City Clerk/Treasurer of Dunbar, each Quarter for (50%) fifty percent of the actual cost during that time period. This will include all Benefits, Equipment, Clothing Allowance, Vehicle maintenance, Vehicle Insurance, Gas & oil, overtime, etc.
3. While working in Nitro the Humane Officer will be covered by the City of Nitro's Liability Insurance Carrier for any and all legal actions incurred, while he is working for the City of Nitro.
4. All calls will be dispatched by the 911 Center, as they are being handled, at the present time. The Humane Officer will report to the Dunbar Chief of Police as his immediate Supervisor, as previously noted he will remain on the City of Dunbar payroll. Also, a Cell Phone will be provided to the Humane Officer so he may reply to all inquires promptly, when he must communicate with each Headquarters.
5. A New Humane Officer Van will be purchased jointly by the Cities of Dunbar & Nitro, with Dunbar advertising for bids to purchase from a local dealer, or to buy a new Van from a Dealer approved by State of West Virginia, for fleet Contract purchases.
6. The expenses incurred by purchasing a new Van for the Humane Officer will be pro-rated if either City ops to end this agreement with the other paying 50 Percent (50%) of the remaining value of the Van, to the other. Example; Projected life 3 years if the cost is \$20,000 dollars each City would pay \$10,000 each upon the date of purchase. If this agreement continues for the three-year period no reimbursement would be due.
7. Each of the Cities are required to notify the other City 90 Days in advance, if they no longer want to continue this agreement. The Humane Officer employed, at the time of the severance of this agreement, will revert to being totally employed by the City of Dunbar, until such time as the Officials of the City decide on a final disposition of the position.

This agreement entered into this day \_\_\_\_\_ between the City of Dunbar, and the City of Nitro to share a Humane Officer.

Signed:

\_\_\_\_\_  
Mayor C. B. Rigney

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



CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 19, 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 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. City Attorney April Robertson was absent.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

COUNCILMAN HARRY MILLER III LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1- APPROVAL OF AUGUST 5, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE AUGUST 5 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: On July 6, 2003 Mr. Alfred Drake rescued a young boy from Beech Fork Lake. Mayor Casto presented him with a Key to the City and asked that he share his experience. Mr. Drake said that on the 4<sup>th</sup> of July weekend his family was on the lake in their boat. They heard a boy screaming about 50 yards from them. He went under several times. They moved their boat closer to the drowning boy and Mr. Drake got to him as he went under for the sixth time and was able to save the boy. Mayor Casto also presented him with two dinners from Diehl's. Mr. Drake was congratulated and given a round of applause.

AGENDA ITEM NO. 3 – TWIN CITIES SHELTER: Kimberly Walsh, the Executive Director of Roark-Sullivan Lifeway Center, Inc. addressed Council. They are the umbrella agency that partners with Twin Cities Ministries to develop a Safe Haven's Project in the city of St. Albans. Safe Haven is a homeless shelter program, an idea that started a few years ago with Father Paul Bresnahan and with the support of Mayor Casto and Mayor Milam in St. Albans. They, along with their Board of Directors, wanted to make the community aware that there is a homeless population living among them that needed to be tended to. She and Father Bresnahan worked on the original ideas. They were able to acquire a facility in St. Albans at 100 MacCorkle Avenue. It was the old H&H Upholstery building. There was a funding issue that prohibited them from developing the program fully. Mayor Milam and Father Bresnahan along with their board found that they had a building and no money to run it and the Roark-Sullivan Lifeway Center had the money to run a facility and no building. At that time they entered into agreement. Roark-Sullivan Lifeway Center bought the property and rehabilitated that with US Dept. of Housing and Urban Development money in order to develop a homeless program in that area. They started 3 years ago and have been open since the

end of May. They have served a total of 21 individuals as of today. The Safe Haven concept targets a chronically homeless population that can't be served by other local programs for the homeless on a more short term basis. These are people who need a longer length of stay and care in order to be able to get back on their feet, gain their independence, and then end up living independently and being self sufficient with maybe some support provided to them on an ongoing basis. The Safe Haven concept is a model that the US Dept. of Housing and Urban Development developed that they follow. They have 24 hour coverage and individual semi-private rooms. They serve both men and women. They deal with people with mental disorders and different addictions that are not tolerated anywhere else. They hope that in time their patients will end up being able to move on to a less restricted level of care such as a group home, another shelter, a transitional living apartment, or even rent their own apartment. She introduced April Goebel who is the on-site Program Director. She runs the Safe Haven program and Julie Hinkle is the Associate Director. She encouraged anyone to call her with any problems or offers for help at 727-6179.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: Nothing reported as she was absent.

AGENDA ITEM NO. 5 – RALPH ALLISON: Mr. Allison introduced George Workman who is the City's new Humane Officer that we are sharing with the City of Dunbar. Beth Williamson, the Court Clerk from Dunbar, was with him as well. They were greeted with a round of applause. Mr. Workman can be reached at 348-8111 which is the Metro non-emergency number. Mayor Casto thanked Ralph Allison for the negotiating he did to obtain the new Humane Officer. He was given a round of applause as well.

AGENDA ITEM NO. 6 – KEMRON: Chris Amick gave an update on the Smith Landfill project. He brought access agreements to be passed out after the meeting to property owners that would allow Kemron to go onto private property for testing. Mr. Amick along with Dave Hight were also available afterwards to answer any questions homeowners might have.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Last week Mayor Casto went to Sen. Byrd's office requesting \$150,000,000 for the Nitro-St. Albans Bridge. He was told that he would need to meet with Mr. Van Kirk to start the process. Mayor Casto also signed a letter this morning that would allow employees to purchase a house through WV Housing.

COUNCILMAN DAVID MILLER MADE A MOTION TO MAKE THE TWO LETTERS RECEIVED FROM DELEGATES RUSTY WEBB AND TIM ARMSTEAD PART OF THE RECORD, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

COPIES ATTACHED.



Councilman at Large Timothy Sizemore requested after the council meeting there be an executive session on a legal matter.

Councilwoman at Large Brenda Tyler mentioned that last year discussion was made concerning charging to park cars for the High School Football games and then putting the money back into the recreation fund. She would like to work out an arrangement with the parents of the Nitro Little League, Nitro Midget Football, and the Bike Park. They would be the ones to park the cars and then their organization would be given ten percent of what they take in for the night. COUNCILMAN HARRY MILLER III MADE A MOTION TO ALLOW COUNCILWOMAN AT LARGE BRENDA TYLER TO NEGOTIATE AN AGREEMENT TO CHARGE FOR PARKING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

City Recorder Joan McClanahan thanked Officer Savilla for his help with a dog in their area.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION AT 8:30 PM TO ENTER INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AT 8:45 PM THE MEETING WAS BROUGHT BACK INTO REGULAR SESSION.

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

HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE

BUILDING 1, ROOM R-130  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
PHONE (304) 340-6130

CHARLES R. "RUSTY" WEBB  
5022 BENNINGTON DRIVE  
CROSS LANE, WV 25313  
PHONE: (304) 776-7083

Committees:  
Judiciary  
Constitutional Revision  
Banking & Insurance

August 11, 2003

Secretary Fred Vankirk  
Department of Transportation  
Bldg. 5 Room A-109  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0440

RE: City of Nitro, 21<sup>st</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenue

Dear Secretary Vankirk:

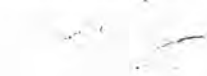
The purpose of this correspondence is to follow up on a letter sent by the Honorable Rusty Casto, Mayor of the City of Nitro, regarding the horrendous conditions of 21<sup>st</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenue in Nitro, Kanawha County, West Virginia.

As you know, 21<sup>st</sup> Street is a state highway and the City of Nitro therefore has no authority to repair the same.

At your earliest convenience, please forward this to the appropriate person on your staff to review the situation and take such steps as are necessary to remedy the road conditions on 21<sup>st</sup> Street, Nitro, West Virginia.

Your patience and cooperation in this matter is greatly appreciated. Your immediate attention to this matter is also greatly appreciated.

Very truly yours,



Delegate Rusty Webb

CRW/lds

cc: Honorable Rusty Casto

Joan McClanahan, Recorder

Members of Nitro City Council

Members of the 32<sup>nd</sup> District, West Virginia House of Delegates



CITY OF NITRO  
PUBLIC MEETING  
SEPTEMBER 2, 2003

Mayor Casto called the Public Hearing to order at 7:00 pm in Council Chambers. Present were Mayor Rusty Casto, City Recorder Joan McClanahan, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilman Bobby Smith, Sanitary Board General Manager Danny Lewis, Sanitary Board Attorney Dennis Vaughn, and Huntington National Bank Vice President Stewart Thomas.

Dennis Vaughn welcomed everyone and explained the purpose of the properly advertised public hearing was to discuss authorizing the financing of certain expenses to be incurred in the future by the Nitro Waste Water Utility by Huntington National Bank. It will be a revolving line of credit at the very low interest rate of 2.49 percent.

The next step is for Council to pass a second reading of the Ordinance.

The meeting was opened for questions or comments. Council was pleased with the arrangement. There being no further business to discuss the meeting was adjourned.

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

CITY OF NITRO  
COUNCIL MEETING MINUTES

SEPTEMBER 2, 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 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.

Mayor Casto asked that everyone remember Pansy Armstead and the Andy Board family.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE AUGUST 18, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE AUGUST 18 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Mayor Casto named Councilmen at Large Richard Savilla and Timothy Sizemore Citizens of the Month for the work they did to raise money for the Hickory Road water project. They will each receive plaques.

AGENDA ITEM NO. 3 – ORDINANCE ENTERING INTO LINE OF CREDIT WITH HUNTINGTON BANK REGARDING SEWER FACILITIES – SECOND READING: Sanitary Board Attorney Dennis Vaughn briefly discussed the line of credit. The Sanitary Board offered to make an interest free loan to the City in the amount of \$10,000.00 to go toward the cost of the water project on Hickory Road. COUNCILMAN DAVID MILLER MADE A MOTION TO READ THE ORDINANCE BY TITLE ONLY SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. Mr. Vaughn read the ordinance by title only: ORDINANCE AUTHORIZING THE FINANCING OF CERTAIN EXPENSES INCURRED IN OPERATIONS AND MAINTENANCE OF THE SEWERAGE IMPROVEMENTS WITHIN SAID CITY NOT OTHERWISE PROVIDED, THROUGH THE ENTERING INTO OF A LINE OF CREDIT WITH THE HUNTINGTON NATIONAL BANK, CHARLESTON, WEST VIRGINIA, NOT EXCEEDING \$2,000,000.00 IN PRINCIPAL AMOUNT, EVIDENCED BY A PROMISSORY NOTE: HOLDER OF SUCH NOTE: AUTHORIZING EXECUTION AND DELIVERY OF A LINE OF CREDIT



AGREEMENT, PROMISSORY NOTE AND OTHER DOCUMENTS RELATING THERETO: AND PROVIDING FOR THE TERMS AND ADOPTING OTHER PROVISIONS RELATING THERETO (copy attached). COUNCILMAN "A.A." JOE SAVILLA MADE A MOTION TO ACCEPT THE ORDINANCE AS READ, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 4 - WATER COMPANY 31<sup>ST</sup> STREET EAST: Mark Sankoff, Distribution Superintendent of West Virginia American Water stated that the Mayor had attended the RDA meeting and acquired \$24,000.00 from the County Commission and \$10,000.00 from RDA for the Hickory Road water project. Total cost for the project is \$54,000.00. If all eight residents sign up for water they will pay \$11,480.00. That along with the amount the Mayor was able to acquire will leave a balance of \$10,000.00. This will be covered interest free through the loan program with the Nitro Sanitary Board. City Recorder Joan McClanahan commended Mayor Casto and Councilman at Large Timothy Sizemore for being persistent on making the project a reality. Mayor Rusty Casto read Resolution 03-04 (copy attached). COUNCILMAN DAVID MILLER MADE A MOTION TO ACCEPT THE RESOLUTION AS READ, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 5 - VOTING DEVICES TESTING SEPTEMBER 19, 2003 AT 10:00 AM: City Recorder Joan McClanahan said that a sixty percent approval is needed for passage of the levy. She stated that as City Recorder she is required to do certain things which she has done, but in order for the levy to pass it will take work from all members of Council and the Mayor. She asked Council for their help. It has been and will continue to be publicized. State Law requires that they go as a group on September 19, 2003 to the Voter's Registration Office on Quarrier St. in Charleston at 10:00 am for a test of the voting devices. At the next Council meeting on September 16<sup>th</sup> she will need a list of those who will be attending as they have to have a quorum. On October 3, 2003 at 10:00 am they will need a quorum to canvas the votes.

AGENDA ITEM NO. 6 - APRIL ROBERTSON: She passed out information on putting signs on I64. This was discussed a few weeks ago and she brought in the booklet with the guidelines. She said they are no longer giving out the brown signs anymore. There is a new law that ground signs can only stand there if they are grandfathered in. According to the booklet they can apply to be advertised on the blue attraction signs on the highway for a \$1,500.00 year fee under a three year contract. However, if the City endorses the Nitro Antique District a sign can be put up for free. The Dept. of Highways will make the signs and put them up at no charge. COUNCILMAN "A.A." JOE SAVILLA MADE A MOTION THAT THEY ENDORSE THE RESOLUTION NAMING THE NITRO ANTIQUE DISTRICT, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED (copy attached).

City Attorney April Robertson is working with the Dunbar City attorney on coordinating the Animal Control Ordinances. She also received a letter from the Police Chief concerning having City regulations on ATV vehicles. Mayor Casto also said an

ordinance is needed on burned out structures. He suggested she discuss this with Bryan Casto, Building Inspector.

AGENDA ITEM NO. 7 – RALPH ALLISON: Not present.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Casto said he didn't know if it was coincidental, but he met with Sen. Robert Byrd about three weeks ago and this last week they had the Nitro-St. Albans Bridge shut down for inspection. He's hopeful that Sen. Byrd is wanting something done about the bridge.

Councilwoman Brenda Tyler would like to meet with the Recreation Committee on Wed. Sept. 10, 2003 at 2:00 in the Mayor's office to discuss plans for improvements at the pool.

Councilman Bobby Smith wanted to commend the Police Department.

Councilman David Miller is concerned with the geese population. It is a health issue as they have polluted the lake.

Councilman "A.A." Joe Savilla has approached two Putnam County Commissioners about getting fire hydrants on Carriage Way.

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

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

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



CITY OF NITRO

ORDINANCE

ORDINANCE AUTHORIZING THE FINANCING OF CERTAIN EXPENSES INCURRED IN OPERATION AND MAINTENANCE OF THE SEWERAGE FACILITIES OF THE CITY OF NITRO AND PROVIDING FOR OTHER CAPITAL IMPROVEMENTS WITHIN SAID CITY NOT OTHERWISE PROVIDED, THROUGH THE ENTERING INTO OF A LINE OF CREDIT WITH THE HUNTINGTON NATIONAL BANK, CHARLESTON, WEST VIRGINIA, NOT EXCEEDING \$2,000,000.00 IN PRINCIPAL AMOUNT, EVIDENCED BY A PROMISSORY NOTE; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF SUCH NOTE; AUTHORIZING EXECUTION AND DELIVERY OF A SECURED REVOLVING LINE OF CREDIT AGREEMENT, PROMISSORY NOTE AND OTHER DOCUMENTS RELATING THERETO; AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH LINE OF CREDIT AGREEMENT AND NOTE AND ADOPTING OTHER PROVISIONS RELATING THERETO.

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

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

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

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

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

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

C. It is necessary for the City to enter into a line of credit agreement with The Huntington National Bank (the "Bank") providing for a revolving line of credit in the principal amount not to

exceed \$2,000,000 to finance a portion of the cost of such acquisition and construction in the manner hereinafter provided.

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

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

F. The line of credit will be secured by a second priority lien on the revenues of the System, together with a second priority lien on the assets of the System, which lien shall be second and subordinate to the lien of the 2000 A Bonds and the 2001 A Bonds, hereinafter defined.

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

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

Section 1.04. [RESERVED]

Section 1.05. Definitions. The following terms shall have the following meanings herein unless the text otherwise expressly requires:

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

"Bank" means The Huntington National Bank, Charleston, West Virginia.

"Bond", "Bonds" or "2000 A Bonds" or "2001 A Bonds" means the Sewerage System Revenue Bonds, Series 2000 A, issued by the City in the original principal amount of \$3,000,000.00 and Series 2001 A issued by the City in the original principal amount of \$548,000.00, respectively.



"City" means the City of Nitro, West Virginia, a municipal corporation acting by and through the Nitro Regional Wastewater Utility (formerly known and referred to as the City of Nitro Sanitary Board).

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

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

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

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

"LIBOR Rate" means the one (1) month London Interbank Rate and is published in the Money Rates Section of the Wall Street Journal on the 5<sup>th</sup> day of each month, or if not published on that date, then is published on the immediately preceding publication date, as the same may change from time to time.

"Line of Credit" means the revolving line of credit in the amount not exceeding \$2,000,000.00 provided by the Bank to the City pursuant to the terms of a line of credit agreement and this Ordinance.

"Line of Credit Agreement" means the Agreement for Secured Revolving Line of Credit to be dated September 17, 2003, between the City and the Bank.

"Mayor" means the Mayor of the City and as such the Chairman of the Nitro Regional Wastewater Utility.

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

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

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

"Operating Expenses" means the current expenses, paid or accrued, of operation and maintenance of the System and its facilities, and includes, without limiting the generality of the foregoing, insurance premiums, materials and supplies, pumping costs, salaries, wages and administrative expenses of the City relating and chargeable solely to the System, the accumulation of appropriate reserves for charges not annually recurrent but which are such as may reasonably be expected to be incurred, and such other reasonable operating and maintenance

costs and expenses as are normally and regularly included under recognized accounting principles but shall not include depreciation.

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

"Prior Bonds" means, collectively, the Series 2000 A Bonds and the Series 2001 A Bonds.

"Projects" shall include, but not be limited to, those which the Nitro Regional Wastewater Utility has heretofore contemplated and reasonably expects to do toward the acquisition and construction of certain additions, improvements and betterments to the City's sanitary sewerage facilities, including, but not limited to, those projects listed and set forth on Exhibit "B" attached hereto and made a part hereof for all pertinent purposes consisting of 18 printed pages, and all singularly or collectively referred to as the "Projects;"

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

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

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

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

Words importing singular number shall include the plural number in each case and vice versa; words importing persons shall include firms and corporations; and words importing masculine, feminine or neuter gender shall include any other gender.

## ARTICLE II

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

Section 2.01. Authorization of Line of Credit. Subject and pursuant to the provisions of this Ordinance, the City is hereby authorized to enter into a line of credit agreement with The Huntington National Bank in the principal amount not exceeding \$2,000,000 at any single point in time for the purpose of financing a portion of the cost of the acquisition and construction of the Projects as more particularly set forth hereinabove and for making other capital improvements within the System as may be set forth in a Supplemental Resolution.



Section 2.02. Description of Line of Credit. The line of credit shall be evidenced by a promissory note payable to the order of the Bank, and shall be dated the date of delivery. The Line of Credit shall be in the total principal amount of \$2,000,000 at any single point in time while the Line of Credit remains authorized, shall bear interest on the outstanding principal balance, payable at a rate equal to the Libor Rate (currently 1.1% plus 2.3% = 3.4% times (x) 65% = 2.21 + tefra adjustment of .28 = 2.49%), currently, as the same may adjust and change from time to time as stated by the Bank based upon the foregoing formula (the "Interest Rate" and "Rate Formula", respectively), shall have a term of 5 years and shall have such other terms and conditions as set forth herein and in the Line of Credit Agreement.

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

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

(Form of Line of Credit Agreement)

AGREEMENT FOR SECURED REVOLVING LINE OF CREDIT

September \_\_\_, 2003

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

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

A. Two Million and 00/100 Dollars (\$2,000,000.00) shall be the maximum principal amount outstanding, exclusive of interest, charges or other fees at anyone time.

B. City shall pay to Bank on a quarterly basis interest on the outstanding principal amount at a rate equal to the Interest Rate set forth in the Bond Ordinance. This interest rate may be changed by the Bank at any time without notice to City when there is a change in the Libor Rate.

C. All outstanding principal and interest is due at the end of five years.

#### CITY'S LOAN ACCOUNT: DISCRETIONARY LOANS

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

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

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

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

Promises to Pay. The City promises to pay to the Bank on a quarterly basis interest only on the outstanding principal balance at a rate equal to the Interest Rate as set forth in the Bond Ordinance. All outstanding principal together with accrued and unpaid interest, shall be fully due and payable 5 years from the date of this Agreement.

Security. As security for the repayment of the sums outstanding under this agreement, the City hereby assigns, transfers and grants a security interest to the Bank in the Net Revenues of the System, together with a statutory mortgage lien on the assets of the System, and



acknowledges and agrees that future loans and the proceeds from the West Virginia Water Development Authority and the West Virginia Department of Environmental Protection involving the Projects as herein defined shall be used to pay and retire sums due under this agreement and that all grants and loans and the proceeds thereof shall immediately upon receipt thereof be applied to the outstanding principal of the Promissory Note. Such security interest and statutory mortgage lien are second and subordinate to the lien in favor of the holders of the City's 2000 A Bonds and 2001 A Bonds and any Prior Bonds.

Events of Default: Acceleration. Any or all of the liabilities of the City to the Bank shall, at the option of the Bank and notwithstanding any time or credit allowed by any instrument evidencing a liability, be immediately due and payable without notice or demand upon the occurrence of any of the following events of default: (a) default in the payment or performance, when due or payable, or any liability of the City or of any endorser, guarantor or surety for any liability of the City to the Bank; (b) the making by the City of any misrepresentation to the Bank for the purpose of obtaining credit or an extension of credit; (c) failure of the City after request by the Bank to furnish financial information or to permit the inspection of books or records; (d) issuance of an injunction, attachment or judgment against property of the City; (e) calling of a meeting of creditors, appointment of a committee of creditors or liquidating agents, or offering of a composition or extension to creditors by, for, or of the City; (f) insolvency of the City or any endorser, guarantor or surety for any liability of the City to the Bank; (g) such a change in the condition or affairs (financial or otherwise) of the City or of any endorser, guarantor, or surety for any liability of the City to the Bank as in the opinion of the Bank impairs the Bank's security or increases its risk; (h) default in the payment or performance of any obligation or agreement contained or referred to herein; (G) any event which results in the acceleration of the maturity of the indebtedness of the City to others under any indenture, agreement or undertaking.

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

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

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

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

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

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

To maintain adequate fire (including so-called extended coverage), public liability and other insurance as Bank may reasonable require, in such form and written by such companies as may be satisfactory to Bank, and will upon request of Bank, deliver to it the policies concerned. All policies covering property given as security for the loan shall have loss payable clauses in favor of Bank.

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

- (a) Create or assume any additional obligation for money borrowed other than from Bank;
- (b) Indorse, guarantee or become surety for the obligation for any person, firm or corporation, except that City may indorse checks or other instruments for deposit or collection in the ordinary course of business;
- (c) Mortgage, pledge or otherwise encumber any of City's property, real or personal, now owned or hereafter acquired, or permit any lien or security interest to exist thereon except liens (i) for taxes not delinquent or being contested in good faith; (ii) or mechanics or material men with respect to obligations not overdue or being contested in good faith, (iii) resulting from deposits to secure payments of workmen's compensation resulting from deposits to secure payments of workmen's compensation or other social security obligations or to secure the performance of bids or contracts in the ordinary course of business, (iv) in favor of Bank.

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

IN WITNESS WHEREOF, and intending to be legally bound hereby, City and Bank have executed and delivered this Agreement for Secured Revolving Line of Credit this \_\_ day of September, 2003.

THE CITY OF NITRO, WEST VIRGINIA

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

Attest:



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

NITRO REGIONAL WASTEWATER UTILITY

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

\_\_\_\_\_  
General Manager

Approved:

THE HUNTINGTON NATIONAL BANK

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

# EXHIBIT "A"

## LOAN REQUEST FORM

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

THE CITY OF NITRO, WEST VIRGINIA, (the "City"), acting by and through The Nitro Regional Wastewater Utility pursuant to the terms of the Secured Revolving Line of Credit Agreement dated September 17, 2003, requests The Huntington National Bank to advance to it the sum of \$\_\_\_\_\_.

By making this request the City certifies the following:

- (1) All of the funds requested shall be used for such purposes as set forth in the Ordinance enacted by the City on September 2nd, 2003, and that such funds shall be used to better the System;
- (2) None of the amounts requested has been the subject matter or a portion of any prior loan request;
- (3) The amount of this request together with the principal amounts already outstanding do not exceed the total amount of the Bank's commitment under the Secured Revolving Line of Credit Agreement; and
- (4) There has been no material adverse change in City's financial condition since the date on which the Secured Revolving Line of Credit Agreement was executed.

Repayment of the amounts requested by this request are and will be secured in

accordance with the provisions of the above-described Ordinance.

Very truly yours,

THE CITY OF NITRO, WEST VIRGINIA  
Acting by and through The Nitro Regional  
Wastewater Utility

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

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

(Form of Promissory Note)

#### PROMISSORY NOTE

\$2,000,000.00

Charleston, West Virginia

FOR VALUE RECEIVED, the undersigned, CITY OF NITRO, WEST VIRGINIA, a municipal corporation and a political subdivision of the State of West Virginia, (the "City") acting by and through the Nitro Regional Wastewater Utility (the "Utility"), promises to pay in lawful money of the United States of America to the order of The Huntington National Bank, (the "Bank") a national banking association, at 900 Lee Street East, Charleston, West Virginia, the sum of, as drawn down in principal, not to exceed at any one time, Two Million and 00/100 Dollars (\$2, 000,000.00), together with interest at the Interest Rate established pursuant to the Rate Formula, which is currently the Libor Rate ( $1.1\% + 2.3\% = 3.4\% \times 65\% = 2.21\%$  = tefra adjustment of .29 = 2.49%) as the same may change from time to time. The City promises to pay to the Bank on a quarterly basis, interest only on the outstanding principal balance at the Interest Rate. All outstanding principal together with accrued and unpaid interest, shall be fully due and payable five (5) years from the date of this Note.

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

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



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

If any of the following events of default should occur, viz: (1) default in the payment of any installment due hereunder or in the performance of any obligation of the undersigned to Bank; or (2) if Bank shall for any reason deem itself insecure with respect to such indebtedness; or (3) if at any time the property furnished as security shall decline in value or become unsatisfactory to Bank, and the undersigned shall not immediately, upon demand, furnish additional security; or (4) if any of the conditions or agreements of any instrument given as security herefor shall become in default, Bank may, at its option, without notice, forthwith accelerate the maturity hereof, and the obligation evidenced hereby shall thereupon become due and payable and Bank shall have the remedies of a secured party under the laws of the State of West Virginia with respect to all property given as security herefor.

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

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

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

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

This Promissory Note is issued pursuant to an Agreement for Revolving Line of Credit

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

\_\_\_\_\_ day of September, 2003

THE CITY OF NITRO, WEST VIRGINIA

Attest:

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

SEAL:

\_\_\_\_\_  
Recorder

NITRO REGIONAL WASTEWATER  
UTILITY

\_\_\_\_\_  
General Manager

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

ARTICLE III

GENERAL COVENANTS

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

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

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

Section 3.04. Covenant Against Encumbrances. The City and Utility shall not create, or cause or permit to be created, any debt, lien, pledge, assignment, encumbrance or any other



charge, having priority over or being on a parity with the lien of the Note and the interest thereon, upon any of the Revenues pledged for payment of the Note and the interest thereon, or, upon the System or any part thereof.

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

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

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

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

(d) Worker's Compensation Coverage for All Employees of the City or Utility Eligible Therefor and Performance and Payment Bonds, such bonds to be in the amounts of 100% of the construction contract, will be required of each prime contractor, and such payment bonds will be filed with the Clerk of the County Commission of said County prior to commencement of construction of the Projects in compliance with West Virginia Code Section 38-2-39. The City or Utility will maintain worker's compensation or similar coverage as required by law.

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



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

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

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

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

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

(C) If the City or Utility files a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America; or

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

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

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

Section 3.09. Fiscal Year: Budget. While the Note is outstanding and unpaid and to the extent not now prohibited by law, the System shall be operated and maintained on a Fiscal Year basis commencing on July 1 of each year and ending on the following June 30, which period shall also constitute the budget year for the operation and maintenance of the System. Not later



than thirty days prior to the beginning of each Fiscal Year, the City agrees to prepare and adopt the annual budget for the ensuing year, and no expenditures for operation and maintenance expenses of the System in excess of the annual budget shall be made during such Fiscal Year unless unanimously authorized and directed by the Governing Body. The City shall mail copies of such annual budget and all resolutions authorizing increased expenditures for operation and maintenance to the Bank and to any Note holder who shall file his address with the City and request in writing that copies of all such budgets and resolutions be furnished to him, and shall make available such budgets and all resolutions authorizing increased expenditures for operation and maintenance of the System at all reasonable times to any Note holder or anyone acting for and in behalf of such N Noteholder .

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

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

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

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

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



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

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

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

B. PRIVATE LOAN LIMITATION. The City shall assure that not in excess of 5% of the Net Proceeds of the Line of Credit are used, directly or indirectly, to make or finance a loan (other than loans constituting No purpose Investments) to persons other than state or local government units.

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

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

E. FURTHER ACTIONS. The City will take any and all actions that may be required of it so that the interest on the Note will be and remain excludable from gross income for federal



income tax purposes, and will not take any actions, or fail to take any actions which would adversely affect such exclusion.

F. BANK ELIGIBILITY. The Line of Credit is hereby designated by the City as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and the regulations duly promulgated hereunder, relating to the deductibility of the taxpayers interest expense allocable to tax-exempt interest, and the City hereby certifies that it does not reasonably anticipate that it will issue more than \$10,000,000.00 in "qualified tax-exempt obligations in the year 2003.

Section 3.15. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Line of Credit in such manner and to such extent as may be necessary , in view of the City's reasonable expectations at the time the Line of Credit is delivered, so that the Note will not constitute "arbitrage bonds" under Section 148 of the Code and Regulations, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a Federal information return with respect to the Line of Credit) so that the interest on the Note will be and remain excluded from gross income for Federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

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

#### ARTICLE IV

#### RATES, ETC.

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



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

C. The City will not render or cause to be rendered any free services of any nature by the System nor any of the facilities; and in the event that the City or any department, board, agency, officer or employee thereof should avail itself or themselves of the services or facilities of the System, or any part thereof, the same fees, rates and charges applicable to other customers receiving like services under similar circumstances shall be charged, such charges shall be paid as they accrue, and Revenues so received shall be deposited and accounted for in the same manner as other Revenues of the System.

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

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

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

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

ARTICLE V

MISCELLANEOUS

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



Section 5.02. Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions hereof should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed severable from the remaining covenants, agreements or provisions hereof, and shall in no way affect the validity of all the other provisions hereof or the Note.

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

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

Section 5.05. Covenant of Due Procedure, Etc. The City covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in final enactment and passage of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, the Recorder and the members of the Governing Body of the City were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

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

Passed on First Reading	-	August 5, 2003
Passed on Second Reading	-	September 2, 2003
Passed on Final Reading		
Following Public Hearing	-	September 2, 2003

Mayor

Joan M. Clamb  
Recorder

Date Adopted: September 2, 2003



LOAN REQUEST FORM

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

THE CITY OF NITRO, WEST VIRGINIA, (the "City"), acting by and through The Nitro Sanitary Board pursuant to the terms of the Secured Revolving Line of Credit Agreement dated September 17, 2003, requests The Huntington National Bank to advance to it the sum of \$ \_\_\_\_\_.

By making this request the City certifies the following:

- (1) All of the funds requested shall be used for such purposes as set forth in the Ordinance enacted by the City on September 2, 2003, and that such funds shall be used to better the System;
- (2) None of the amounts requested has been the subject matter or a portion of any prior loan request;
- (3) The amount of this request together with the principal amounts already outstanding do not exceed the total amount of the Bank's commitment under the Secured Revolving Line of Credit Agreement; and
- (4) There has been no material adverse change in City's financial condition since the date on which the Secured Revolving Line of Credit Agreement was executed.

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

Very truly yours,

THE CITY OF NITRO, WEST VIRGINIA  
Acting by and through the Nitro Regional  
Wastewater Utility

By: \_\_\_\_\_  
Chairman or General Manager

*EXHIBIT "A"*

**CITY OF NITRO SANITARY BOARD  
COMBINED SEWER OVERFLOW  
LONG TERM CONTROL PLAN  
PRELIMINARY COST ESTIMATES  
JANUARY 2002**

1.	Inspection and Testing of the Abandoned 14-inch Force Main -	\$ 20,000 -
2.	Equipment for Operating and Maintaining the Combined Sewer System -	
	Phase I -	\$ 162,500
	Phase II -	\$ 500,000
3.	Mapping of the existing Sanitary/Storm sewer system -	\$ 125,000
	Phase I - \$40,000 ✓	
4.	Relief of Basement Flooding on 21 <sup>st</sup> Street -	
	Alternative 1 - \$0	
	Alternative 2 -	\$ 139,000 ✓
5.	Infiltration and Inflow Study -	\$ 40,000
	Phase I - \$10,000 ✓	
6.	Pump Station Upgrades -	\$ 919,000
7.	Wastewater Treatment Plant Upgrade (Phase 1) -	\$1,110,000
8.	Separation of Storm and Sanitary Sewers at P.S. #2 -	N/A
9.		
10.	Blakes Creek Sewer Extension -	\$ 859,000
11.		
12.	Red Oak Drive Sewer Extension -	\$ 520,000
13.		
14.	Separation of Storm and Sanitary Sewers at P.S. #5 -	N/A
15.		
16.	Doc Bailey Road Sewer Extension -	\$ 855,000
17.		
18.	Nitro Park Addition / Route 62 Sewer Extension -	\$1,188,000
19.		
20.	Separation of Storm and Sanitary Sewers for Remainder of the System -	N/A
21.		
22.	Hulbert Heights / Cochran Lane Sewer Extension -	\$1,346,000





NITRO SANITARY BOARD  
INSPECTION AND TESTING OF THE  
EXISTING 14" FORCE MAIN  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

Video Camera, Truck, and Operator - 80 hrs. @ \$150/hr.	= \$12,000
2 - Man City Crew - 80 hrs. @ \$50 per hr.	= \$ 4,000
Review of tapes/Determination of pipe integrity	= <u>\$ 4,000</u>
Total Cost	= \$20,000



NITRO SANTTARY BOARD  
EQUIPMENT FOR CSO SYSTEM  
PHASE I AND II  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

PHASE I

New Truck for CSO Crew	= \$ 50,000
Dump Truck (Discounted)	= \$ 25,000
General Manager's Vehicle	= \$ 20,000
Excavator (Used)	= \$ 25,000
Camera System	= \$ 40,000
Smoke Testing Equipment	= \$ 1,500
Miscellaneous Tools	= \$ 1,000

Total Cost Phase I = \$162,500

PHASE II

Manhole Rehabilitation Equipment and Materials	
2000 manholes @ \$250 per manhole	= \$500,000

Total Cost Phase II = \$500,000





NITRO SANITARY BOARD  
RELIEF OF BASEMENT FLOODING ON 21<sup>ST</sup> STREET  
ALTERNATIVE #2  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

500 L.F. of Force Main @ \$25 L.F.	= \$ 12,500
40 L.F. of GSP @ \$65 L.F.	= \$ 2,600
1 - 4' Diameter Manhole @ \$2,500 Ea	= \$ 2,500
540 L.F. of Surface Restoration @ \$30 L.F.	= \$ 16,200
Grinder Pump Station @ \$65,000 Ea	= \$ 65,000
Plug Existing Line @ \$500 Ea	= \$ 500
2 Connection to Existing System @ 1,000 Ea	= \$ 2,000

Base Cost = \$101,300

Contingency @ 10% = \$ 10,200

Total Construction Cost = \$111,500

Engineering, Legal, Administration @ 25% = \$ 27,500

Total Project Cost = \$139,000



NITRO SANITARY BOARD  
PUMP STATION UPGRADES  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

Pump Station #1	= \$ 60,000
Pump Station #2	= \$ 90,000
Pump Station #4	= \$ 70,000
Pump Station #5	= \$ 50,000
Pump Station #8 (including new force main to WWTP)	= \$300,000
Pump Station #15	= <u>\$100,000</u>

Base Cost = \$670,000

Contingency (@ 10%) = \$ 65,000

Total Construction Cost = \$735,000

Engineering, Legal, Administration (@ 25%) = \$184,000

Total Project Cost = \$919,000





NITRO SANITARY BOARD  
WASTEWATER TREATMENT PLANT UPGRADE  
PHASE I  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

Additional Equalization Tanks	= \$ 175,000
New Headworks Structure	= \$ 300,000
Bar Screen	= \$ 150,000
Grit Removal System	= \$ <u>175,000</u>

Base Cost = \$ 800,000

Contingency @ 10% = \$ 80,000

Total Construction Cost = \$ 880,000

Engineering, Legal, Administration @ 25% = \$ 220,000

Total Project Cost = \$1,110,000



NITRO SANITARY BOARD  
BLAKES CREEK SEWER EXTENSION  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

10,000 L.F. of GSP @ \$42 L.F.	= \$420,000
50 - 4' Diameter Manhole @ \$2,000 Ea	= \$100,000
30 Wye Connection @ \$80 Ea	= \$ 2,400
1,200 L.F. of Service Lateral @ \$15 L.F.	= \$ 18,000
500 L.F. of Force Main @ \$20 L.F.	= \$ 10,000
1 Pump Station @ \$90,000 Ea	= <u>\$100,000</u>

Base Cost = \$650,400

Contingency @ 10% = \$ 65,100

Total Construction Cost = \$715,500

Engineering, Legal, Administration @ 20% = \$143,500

Total Project Cost = \$859,000





**NITRO SANITARY BOARD  
RED OAK DRIVE SEWER EXTENSION  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002**

6,000 L.F. of GSP @ \$35 L.F.	= \$210,000
30 - 4' Diameter Manhole @ \$2,000 Ea	= \$ 60,000
75 Wye Connection @ \$70 Ea	= \$ 5,250
2,250 L.F. of Service Lateral @ \$15 L.F.	= \$ 33,750
500 L.F. of Force Main @ \$18 L.F.	= \$ 9,000
1 Pump Station @ \$60,000 Ea	= \$ 60,000

Base Cost = \$378,000

Contingency @ 10% = \$ 38,000

Total Construction Cost = \$416,000

Engineering, Legal, Administration @ 25% = \$104,000

Total Project Cost = \$520,000



NITRO SANITARY BOARD  
DOC BAILEY ROAD SEWER EXTENSION  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

8,000 L.F. of GSP @ \$38 L.F.	= \$304,000
40 - 4' Diameter Manhole @ \$2,100 Ea	= \$ 84,000
60 Wye Connection @ \$80 Ea	= \$ 4,800
1,800 L.F. of Service Lateral @ \$16 L.F.	= \$ 28,800
2,000 L.F. of Force Main @ \$20 L.F.	= \$ 40,000
2 Pump Station @ \$80,000 Ea	= <u>\$160,000</u>

Base Cost = \$621,600

Contingency @ 10% = \$ 62,400

Total Construction Cost = \$684,000

Engineering, Legal, Administration @ 25% = \$171,000

Total Project Cost = \$855,000





NITRO SANITARY BOARD  
NITRO PARK ADDITION / ROUTE 62  
SEWER EXTENSION  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

16,000 L.F. of GSP @ \$40 L.F.	= \$ 640,000
80 - 4' Diameter Manhole @ \$2,100 Ea	= \$ 168,000
100 Wye Connection @ \$80 Ea	= \$ 8,000
3,000 L.F. of Service Lateral @ \$16 L.F.	= \$ 48,000

Base Cost = \$ 864,000

Contingency @ 10% = \$ 86,500

Total Construction Cost = \$ 950,500

Engineering, Legal, Administration @ 25% = \$ 237,500

Total Project Cost = \$1,188,000



NITRO SANITARY BOARD  
HULBERT HEIGHTS / COCHRAN LANE  
SEWER EXTENSION  
PRELIMINARY PROJECT COST ESTIMATE  
JANUARY 2002

13,000 L.F. of GSP @ \$40 L.F.	= \$ 520,000
65 - 4' Diameter Manhole @ \$2,200 Ea	= \$ 143,000
120 Wye Connection @ \$90 Ea	= \$ 10,800
3,600 L.F. of Service Lateral @ \$18 L.F.	= \$ 64,800
2,300 L.F. of Force Main @ \$22 L.F.	= \$ 50,600
2 Pump Stations @ \$95,000 Ea	= \$ <u>190,000</u>

Base Cost = \$ 979,200

Contingency @ 10% = \$ 97,800

Total Construction Cost = \$1,077,000

Engineering, Legal, Administration @ 25% = \$ 269,000

Total Project Cost = \$1,346,000





CITY OF NITRO SANITARY BOARD  
COMBINED SEWER OVERFLOW  
LONG TERM CONTROL PLAN

1. **Inspection and Testing of the Abandoned 14-inch force main along WV Route 25 to the WWTP**

Currently, all of the flow from the St. Albans/Nitro Bridge area to 19<sup>th</sup> Street on both sides of the railroad tracks is pumped up 19<sup>th</sup> Street to the Armour Creek Interceptor. There are three (3) pump stations involved in pumping wastewater flows: PS No. 15, PS No. 1, and PS No. 2. The interceptor and the receiving Pump Station No. 8, is not capable of handling all of the flow and subsequently surcharges the line causing bypasses into Armour Creek and basement flooding of residential homes along 21<sup>st</sup> Street. The existing 14-inch force main which is abandoned between WV Route 25 and the railroad tracks was valved off and the entire flow was diverted up 19<sup>th</sup> Street via a new 8" force main. The problems associated with the Armour Creek Interceptor can be decreased or eliminated by reactivating the old force main and diverting some of the flow into it. An inspection of the force main would need to be made to determine its integrity and a study of the pumping system would need to be conducted to determine flow rates and possible upgrading of the pump stations.

Start Date: January 2002  
Finish Date: December 2002

2. **Equipment for operating and maintaining the combined sewer system**

Because of the size of the City of Nitro's combined sewer system and the amount of I/I which is present, the Sanitary Board is planning to establish a CSO maintenance team. This team will need various equipment in order to operate and maintain the system. The equipment will consist of a sewer video camera in order to visually inspect lines to pinpoint problems, a utility truck to carry equipment and personnel on their daily duties, smoke testing equipment to check lines for breaks or illegal drain connections, manhole rehabilitation equipment to properly seal the interior of the old brick manholes, a small backhoe to dig up sewer lines, especially in tight areas, and various other items.

Start Date: January 2002  
Finish Date: December 2004

### 3. Mapping of the existing Sanitary/Storm sewer system

The City of Nitro's existing system mapping was originally completed in 1972 and updated in the early to mid 1980s. Several of the manholes were not located, probably because they were buried and/or paved over. Since then several extensions and improvements have been made to the system which have not been added to the mapping. Current mapping needs to be carried out to include all manholes, cleanouts, pump stations, etc. Because of the advancements in engineering and surveying technology, we can now digitally map the system and produce mapping which would allow the City of Nitro to update the system more readily as well as locate manholes or cleanouts which may become covered by paving. An up-to-date and accurate set of maps is essential in evaluating and determining a plan of action for separation of storm and sanitary sewers as well as minimization of combined sewer overflows.

Start Date: January 2002

Finish Date: December 2004

### 4. Relief of basement flooding on 21<sup>st</sup> Street

The existing 10-inch diameter sanitary sewer line along 21<sup>st</sup> Street is connected to the Armour Creek Interceptor Sewer near 2<sup>nd</sup> Avenue. This interceptor line becomes surcharged during periods of wet weather and sewage backs up in the line causing the collector line on 21<sup>st</sup> Street to back up raw sewage into residential basements. This problem can be remedied by one (1) of two (2) options.

#### Alternative #1

Reactivating the abandoned 14-inch force main along WV Route 25 will drastically reduce the amount of sewage/storm water which flows into the Armour Creek Interceptor. If the amount of flow in the Armour Creek Interceptor is reduced enough, basement flooding on 21<sup>st</sup> Street can be eliminated. Until the inspection and testing of the abandoned force main is complete, we cannot determine the validity of this alternative.



### Alternative #2

Disconnect the collector line from the interceptor line and install a new line along 21<sup>st</sup> Street or 20<sup>th</sup> Street and connect to an existing gravity line which flows to Pump Station No. 2. Although Pump Station No. 2 pumps sewage into the Armour Creek Interceptor, Pump Station No. 2 has a permitted bypass which will allow the excessive amount of flow to discharge into the Kanawha River. Since the 10-inch line would not be connected to the interceptor line, the basement flooding will be eliminated.

Start Date: July 2002

Finish Date: December 2003

### 5. Conduct an Infiltration and Inflow (I/I) Study of Nitro's existing Sewer System

An Infiltration and Inflow (I/I) study is needed to determine the location of all storm sewer connections to the sanitary system including roof, floor, and foundation drains, broken or cracked lines, and cracked or improperly sealed manholes. By determining the source of the I/I, the City of Nitro can begin to take steps to eliminate the problem by installing new storm sewers, directing the public to remove their drains, and fixing or replacing broken lines and manholes. The I/I study is critical in laying the foundation for managing a combined sewer system and preparing a Long Term Control Plan.

Start Date: May 2002

Finish Date: December 2007

### 6. Pump Station Upgrades

Several of the sewage pump stations would require upgrades in order to pump wet weather combined sewer flows through the system. In addition to the increase in capacity, some pumps would have to be evaluated for an increase in total dynamic head in order to overcome the additional length of travel if and when the 14-inch force main is reactivated. Pump Station Nos. 1, 2, 4, 5, 8, and 15 could require new pumps and controls.

Start Date: January 2003

Finish Date: December 2006

## 7. Upgrade to the Wastewater Treatment Plant

The wastewater treatment plant (WWTP) is an extended aeration type packaged treatment plant with a peak design capacity of 1.875 million gallons per day (MGD). Currently, the WWTP treats approximately 1 MGD of dry weather flow. During wet weather, the WWTP can receive up to 5 MGD. The excess flow is diverted to two (2) 300,000 gallon equalization tanks where the water is disinfected and dechlorinated before being discharged into the Kanawha River. After upgrading the pumping system and reactivating the 14-inch force main, the wet weather flow to the WWTP will increase. A study of the treatment process will have to be conducted to determine the effects of the additional flow on the WWTP. Initially, the wet weather flow would continue to be diverted to the equalization tanks and chlorinated/dechlorinated, but because of the increase in flow, additional tanks would be required. Also, the headworks would need to be upgraded to handle the additional flow. Additional grit removal equipment and bar screens could be required.

The long term goal would be to treat as much flow as practicable and affordable through the normal treatment process, but this would not be feasible until the majority of the storm water was removed from the system.

Start Date: January 2003

Finish Date: December 2005

## 8. Separation of Storm and Sanitary Sewers for CSO - 003 at P.S. No. 2

The influx of storm water is detrimental to the sanitary sewage collection and treatment systems. The addition of excessive storm water into the system usually exceeds the capacity of the lines and pump stations which, in the City of Nitro's case, causes the sewage in the line to back up and flood basements. Also, it is the main reason why the City of Nitro has permitted overflows at the pump stations. During dry weather the system functions properly, it is when there is a rain event in excess of  $\frac{1}{2}$ " to  $\frac{3}{4}$ " that the system has overflow problems.

Storm water also has a significant effect on the wastewater treatment plant (WWTP). If all of the flow were routed through the WWTP, ineffective treatment would be given. Most of the time the plant will "wash out", meaning that the excessive solids and BOD along with other contaminants will be discharged into the Kanawha River. It will also decrease efficiency of the plant for several successive days or weeks. The capacity of Nitro's WWTP is 1.875 million gallons per day (MGD), during wet weather, flows can reach up to 5 MGD. The excessive flow is diverted to two (2) equalization basins where it is disinfected and dechlorinated before being discharged into the river.



The largest factor in excessive storm water is the direct connection of storm sewers to the sanitary sewer system. There are several known connections of the storm sewer to the sanitary sewer system in this area. By disconnecting the existing storm sewers from the sanitary lines and installing new storm sewers to the river, a large part of the storm water may be removed from the system.

Disconnecting the existing storm sewers in nine (9) locations and installing a new storm sewer along WV Route 25 and down Plant Road to the Kanawha River would remove 34 storm inlets between 1<sup>st</sup> and 2<sup>nd</sup> Avenues and 21<sup>st</sup> and 14<sup>th</sup> Streets. Also, disconnecting the existing storm sewers in fourteen locations and installing a new storm sewer starting on 8<sup>th</sup> Street and going down 2<sup>nd</sup> Avenue along 13<sup>th</sup> Street crossing WV Route 25 and down 11<sup>th</sup> Street west to the Kanawha River would remove 55 storm inlets from the sanitary system.

Start Date: July 2004  
Finish Date: December 2007

#### 9. Blakes Creek Sewer Extension

The Blakes Creek area is above Ridenour Lake on 21<sup>st</sup> Street. This area has been annexed into the City and the residents are expecting sanitary sewer service to be provided to them. There are approximately 30 customers and over 1,000 acres of developable land in the watershed. An extension of the existing 21<sup>st</sup> Street collector sewer will provide adequate sewer service to the existing customers and allow for future growth. Full development of the area may require additional upgrades throughout the collection and treatment systems. This extension needs to be done only after the basement flooding on 21<sup>st</sup> Street is eliminated.

Start Date: January 2004  
Finish Date: September 2005

#### 10. Red Oak Drive Sewer Extension

This area is adjacent to Route 25 at the east end of Nitro. There are 75 homes in this area and it is estimated that 11,000 gallons per day (gpd) of sewage would be produced. Based on the Facilities Planning Report dated March 1994, approximately 5,750 feet of gravity sewer lines would be required. A small pump station with 450 feet of force main would be needed to lift the sewage to the existing collection system near the end of Red Oak Drive at Route 25. This area is outside the City limits and may need to be annexed.

Start Date: January 2006  
Finish Date: December 2008

**11. Separation of Storm and Sanitary Sewers for CSO - 005 at P.S. No. 5**

Disconnecting the existing storm sewer in one (1) location and installing a new storm sewer down Holley Street to the Kanawha River would remove 39 storm inlets from the system across 1<sup>st</sup> Avenue, down Center Street, and along Main Street.

Start Date: January 2008

Finish Date: December 2010

**12. Doc Bailey Road Sewer Extension**

There are several homes along Doc Bailey Road which are either served by a packaged treatment plant or septic tanks. A conventional gravity sewer system with one (1) or two (2) pump stations would be required to serve this area. The recently installed Poca River Road sewer extension is designed to handle the additional customers along Doc Bailey Road as well as other areas adjacent to Poca River Road. These customers are outside the City limits. However, Union PSD has approved the City of Nitro to extend to sewers to them.

Start Date: January 2008

Finish Date: December 2010

**13. Nitro Park Addition / Route 62 Sewer Extension**

This area has approximately 100 homes with a projected flow of 15,000 gallons per day. This area is outside the City limits and may have to be annexed. Based on the Facilities Planning Report dated March 1994, approximately 15,800 feet of gravity sewer pipe would be required to serve the area. The sewer would connect to the existing gravity line along Armour Creek. Part of the system would run by the Union PSD wastewater treatment plant. The logical solution would be to use the Union PSD WWTP for treatment of the sewage. However, the capacity of the Union PSD treatment plant and collection system is approaching the design limit.

Start Date: January 2009

Finish Date: December 2011



**14. Separation of Storm and Sanitary Sewers for the Remainder of the System**

Several areas throughout the remainder of the system have storm sewer connections to the sanitary lines. The current mapping does not indicate enough information to determine the true problem areas. Once the mapping and I/I study have been completed, we will be able to pinpoint all of the remaining connections and begin formulating a plan to disconnect them.

Start Date: January 2011

Finish Date: December 2020

**15. Hulbert Heights / Cochran Lane Sewer Extension**

The Hulbert Heights / Cochran Lane area lies in an unincorporated area near 40<sup>th</sup> Street. The area is in between the boundaries of the old Rock Branch PSD and the City limits. Service to this area would require user agreements with the home owners unless the service boundaries were changed. There are 120 homes in this area. There is a small package treatment plant serving 20 homes in the Eastwood Estates subdivision. This package plant would be replaced. Based on the Facilities Planning Report dated March 1994, approximately 11,100 feet of gravity line, 2,250 feet of force main, and two (2) small pump stations would be required to serve the area.

Start Date: January 2012

Finish Date: December 2014



JOAN McCLANAHAN  
RECORDER  
755-0707

RESOLUTION 03-04

**A Resolution by the Nitro City Council**

Whereas, the Nitro City Council, wishes for the good people of Hickory Road to have direct water service from the West Virginia American Water Company; and,

Whereas, the mayor of the town has received grants from the Kanawha County Commission of 24,000 dollars and a pledge from the RDA in the amount of 10,000 dollars; and,

Whereas, the West Virginia American Water Company has agreed to a 1,435 dollar credit to the city for each customer who hooks up to the new Hickory Road water line, over the next ten years; and,

Whereas, the Nitro Regional Waste Water Utility has agreed to finance the project on behalf of the city, to be repaid by the city over the next 4 years; and,

Whereas, the Nitro City Council does hereby authorize its mayor, Rusty Casto and the Treasurer of said city, Mr. Ralph Allison to sign and execute all said documents pertaining to the Hickory Road water project;

Done on this the 2<sup>nd</sup> day of September in the year 2003, by a vote of the city council  
\_\_\_\_\_9\_\_\_\_\_ votes in the affirmative and \_\_\_\_\_0\_\_\_\_\_ votes in the negative.

Rusty Casto, Mayor

Joan McClanahan, Recorder



RESOLUTION 03-05

NITRO ANTIQUES DISTRICT

WHEREAS, a number of antiques dealers are located within the municipal limits of the City of Nitro ("the City") within close proximity of one another thereby creating a de facto "antiques district," and

WHEREAS, these facilities derive a large portion of their business from customers domiciled long distances from the City, and

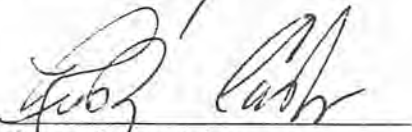
WHEREAS, it is the desire of the City to foster the economic development of this antiques district by directing to it the travelers on Interstate 64, and

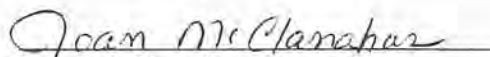
WHEREAS, the West Virginia Department of Transportation, Division of Highways ("the Department"), can install business sign panels on the existing "Attractions" Tourist Oriented Directional Signs at the Nitro exits of Interstate 64 at no cost to the City.

THEREFORE, BE IT RESOLVED that the City will make application with the Department to install said business sign panels to read as follows:

NITRO  
ANTIQUES  
DISTRICT

Passed this 2<sup>nd</sup> day of September 2003.

  
Rusty Casto, Mayor

  
Joan McClanahan, Recorder

CITY OF NITRO  
COUNCIL MEETING MINUTES

SEPTEMBER 16, 2003

Mayor Rusty Casto called the meeting to order in Council Chamber at 7:30 pm. 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.

Mayor Casto asked that everyone remember Virginia Miller and Addison McClanahan. The 2003 Nitro City Calendar was dedicated to them and they both recently passed away. He also asked that everyone remember Councilman A.A. "Joe" Savilla's brother Ben who is hospitalized.

Council observed a moment of silence in remembrance of Addison McClanahan and Virginia Miller.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION.

JOAN COLLINS LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE SEPTEMBER 2, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE SEPTEMBER 2 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – APPROVAL OF THE SEPTEMBER 2, 2003 PUBLIC HEARING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE SEPTEMBER 2 PUBLIC HEARING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Joan Collins read a proclamation that September 17 – 22, 2003 shall be approved as US Constitution Week. Also present with her were Mary Robinson and Gloria Thomas. All three are members of the Daughters of the American Revolution. COUNCILMAN DAVID MILLER MOVED THAT THE PROCLAMATION BE ACCEPTED AS READ, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Chief Jack Jordan introduced Sgt. Don Scurlock. He has received orders to go to Baghdad. Mayor Casto said they appreciate his work and how he conducts himself as an officer and wished him all the best.



AGENDA ITEM NO. 3 – NITRO HIGH SCHOOL PARADE REQUEST:

Mayor Casto said the Nitro High School Homecoming will be this Friday September 19<sup>th</sup>. Council Members are invited to participate. They will meet at the High School parking lot at 5:45 pm. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO GRANT PERMISSION FOR THE PARADE, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 4 – QUORUM FOR TESTING VOTING DEVICES 09-19-03 AT 10:00 A.M. VOTER'S REGISTRATION OFFICE & CANVASS 10-03-03 AT 10:00 A.M. VOTERS' REGISTRATION OFFICE:

City Recorder Joan McClanahan needed to know how many Council Members would be able to go on September 19, 2003 to test the voting devices. Those able to attend are Councilman At Large Timothy Sizemore, Mayor Rusty Casto, City Recorder Joan McClanahan, Councilman Bobby Smith, and Councilman Harry Miller III. She also needed to know how many are able to canvass on October 3, 2003. Those able to attend are Councilman A.A. "Joe" Savilla, Councilman Bobby Smith, City Recorder Joan McClanahan, and Mayor Rusty Casto.

AGENDA ITEM NO. 5 – HALLOWEEN DATE: City Recorder Joan McClanahan said the County Commission has set Thursday October 30, 2003 from 6:00 – 8:00 pm as Halloween night for the county. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT COUNCIL ACCEPT OCTOBER 30, 2003 FROM 6:00 – 8:00 PM AS TRICK-OR-TREAT NIGHT IN NITRO, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 6 – APRIL ROBERTSON: City Attorney April Robertson gave everyone a copy of the ordinance prohibiting the use of All Terrain Vehicles on city streets, sidewalks, and other city property. This ordinance also includes motorized scooters. Violation of this Ordinance would be a criminal act with monetary penalties. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THEY READ THE ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED. Mayor Rusty Casto read the ordinance by title only: AN ORDINANCE PROHIBITING THE OPERATION OF ALL TERRAIN VEHICLES, UNLICENSED MOTOR VEHICLES, OTHER PERMITTED AND LICENSED VEHICLES, OR ANY TYPE OF MOTOR VEHICLES NOT LICENSED BY THE WEST VIRGINIA DEPARTMENT OF MOTOR VEHICLES FOR STREET USE, FOR TRANSPORTATION, OR RECREATIONAL PURPOSES UPON THE STREETS, ALLEYS, SIDEWALKS, PARKING LOTS, AND ANY REALTY OWNED, LEASED, OR CONTROLLED BY THE CITY OF NITRO. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADOPT THE ORDINANCE READ BY TITLE ONLY ON THE FIRST READING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

A resident asked Council to consider other possibilities for motor scooters.

Attorney April Robertson stated that the City of Charleston has submitted a Mutual Aid Agreement to the City of Nitro to provide Fire, Police, and Public Works



Assistance to each other in the case of a disaster too great to be dealt with by just one department or the other. This could be in the event of man-made or natural disasters. COUNCILMAN HARRY MILLER III MADE A MOTION THAT THE AGREEMENT BE ACCEPTED. COUNCILMAN HARRY MILLER III MADE A MOTION THAT THEY AMEND THE AGREEMENT SO THAT THEY ADOPT THE MUTUAL AID AGREEMENT AS AN ORDINANCE ON AN EMERGENCY BASIS EFFECTIVE IMMEDIATELY, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.  
COPY ATTACHED.

AGENDA ITEM NO. 7 – RALPH ALLISON: City Treasurer Ralph Allison suggested they wait until after the Levy Election to have the Finance Committee Meeting.

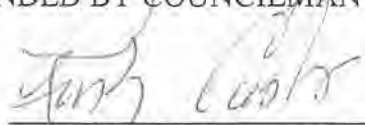
Chief Jack Jordan suggested that each council member have a photo ID which they would keep with them in the event of a disaster. This would help them to get through check points.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: MAYOR RUSTY CASTO MADE A MOTION THEY PUT THE CALENDAR OUT FOR BID TO BE OPENED AT THE NEXT MEETING, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Councilwoman at Large Brenda Tyler stated that this weekend Dewey Mann, a Nitro citizen, was honored by his battalion from WWII. Mayor Casto would like the 2004 City Calendar to be dedicated in his honor. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT THE 2004 NITRO CITY CALENDAR BE DEDICATED IN HONOR OF DEWEY MANN, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Councilwoman at Large Brenda Tyler encouraged the parents attending to help her find the grant money and funds to build an area for the children to ride their motorized scooters and in-line skates in a safe environment. She also stated there is a problem with the Midget League cheerleaders parking in the parking area for the handicap park which takes the places for the children wanting to play in the park. She suggested they address a letter to the Midget League asking them to park in the other parking areas and not to remove the picnic tables from under the shelter.

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



## MUTUAL AID AGREEMENT

This Mutual Aid Agreement (hereinafter "Agreement") is entered into between the City of Charleston and City of Nitro.

### WITNESSETH

WHEREAS, in the aftermath of the September 11<sup>th</sup>, 2001 terrorist attacks on this country, the need for enhanced cooperation between various neighboring communities & jurisdictions is paramount;

WHEREAS, the State of West Virginia, pursuant to West Virginia Code, § 15-5-9, authorizes the director of each local organization for emergency services to collaborate with other public agencies within the State to develop or cause to be developed mutual aid agreements for reciprocal aid and assistance in case of disaster too great to be dealt with unassisted;

WHEREAS, W. Va. Code, § 8-12-5(44) provides that every municipality shall have the plenary power and authority to provide and promote the public morals, safety, health, welfare and good order of its residents;

WHEREAS, W. Va. Code, § 8-23-7 provides that any one or more public agency is empowered and authorized to contract with any one or more public agency for the performance of any governmental service, activity or undertaking which each public agency is authorized by law to perform, subject to the authorization of the governing body of each agency;

WHEREAS, W. Va. Code, § 8-11-3(10) provides that an ordinance is required for a municipality to enter into an agreement with another jurisdiction;

WHEREAS, the Parties may find it necessary to utilize the full extent of each of its resources to cope with an emergency disaster, and may need the assistance of another Party or Parties to provide supplemental fire, police, emergency services, and public works equipment and personnel;

WHEREAS, the Parties recognize the importance of the concept of coordination, and cooperation between itself and other public agencies; and

WHEREAS, \_\_\_\_\_ and \_\_\_\_\_ have chosen to provide and receive reciprocal aid and assistance to and from each other during times of disaster; by the interchange of services and facilities, including, fire, police, emergency services, and public works equipment and personnel.

THEREFORE, pursuant to W. Va. Code, §§ 15-5-9, 8-12-5(44), 8-23-7 and 8-11-3(10), the Parties agree to enter into this Agreement for reciprocal aid and assistance in case of disaster too great to be dealt with unassisted under the following terms and conditions:

# **1. Definitions**

For purposes of this Agreement, the terms listed below will have the following meanings:

A. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action.

B. "Requesting Party" means the Party requesting aid in the event of an emergency or disaster under the terms and conditions of this Agreement.

C. "Assisting Party" means the Party providing equipment, services and/or manpower to the Requesting Party.

# **2. Scope**

The Parties will provide fire, police, and public works assistance to each other upon request from the Requesting Party in cases of disaster too great to be dealt with unassisted but only to the extent that qualified manpower and resources of the Assisting Party are available and that qualified manpower and resources of the Requesting Party have been exhausted.

# **3. Request for and Response to Request for Assistance**

The Requesting Party shall initiate the request through the local department of emergency services of the town, city, municipality, or county wherein the Assisting Party is located. The director or authorized representative of that department will forward the request to the head of the department or agency which has been requested to provide assistance.

# **4. Jurisdiction, Powers, Privileges and Immunities of Assisting Employees**

While providing assistance under the terms of this Agreement, employees of the Assisting Party shall have the same jurisdiction, powers, privileges and immunities, including those relating to the defense of civil actions, as such employees



would enjoy if actually employed by the Requesting Agency to which they are assigned, in addition to any corresponding or varying jurisdiction, powers, privileges and immunities conferred by virtue of their continued employment with the Assisting Party.

#### **5. Supervision and Command**

When providing assistance under the terms of this Agreement, the employees, equipment and resources of the Assisting Party shall be subject to the lawful operational commands of the Requesting Party, which shall advise supervisory personnel of the Assisting Party of work tasks, for assignment to personnel. Direct supervision and control of employees, equipment and resources shall remain with the designated supervisory personnel of the Assisting Party.

#### **6. Administrative and Personnel Control of Assisting Employees**

When providing assistance under the terms of this Agreement, employees of the Assisting Party shall remain under the administrative and personnel control of the Assisting Party, including compensation. These assigned personnel shall continue to be covered by all employee rights and benefits providing by the Assisting Party, including workers' compensation, the same extent as though such employees

#### **7. Reimbursement**

The assistance provided under this Agreement, and any operational plans adopted pursuant to it, shall be without reimbursement unless otherwise expressly provided for by the Parties to this Agreement.

#### **8. Hold Harmless/Negligence**

Each Party does not assume the liability for the negligence of any of the other Parties, their agents and employees. Each Party (as indemnitor) agrees to protect, defend, indemnify, and hold the other Parties (as indemnitees), and its officers, employees, and agents, free and harmless from and against any and all losses, penalties, damages, assessments, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc. at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto.

#### **9. Location of Agreement**

A copy of this Agreement shall be filed in the local departments of emergency services wherein the Parties are located.

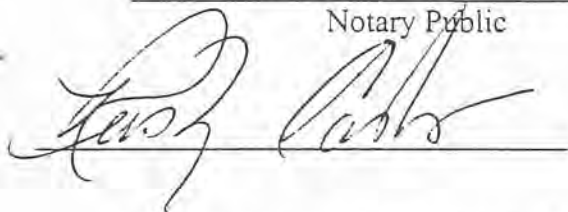
\_\_\_\_\_  
 Danny Jones, Mayor  
 City of Charleston

\_\_\_\_\_  
 Date

Taken, subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

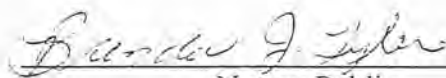
\_\_\_\_\_  
 Notary Public



\_\_\_\_\_  
 Date

Taken, subscribed and sworn to before me this 16 day of September, 2003.

My commission expires on the 6 day of August, 2007.

  
 Notary Public



CITY OF NITRO  
COUNCIL MEETING MINUTES

OCTOBER 7, 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.

NITRO HIGH SCHOOL AIR FORCE ROTC POSTED THE COLORS.

IVAN MEADOWS GAVE THE INVOCATION.

MAYOR RUSTY CASTO LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE SEPTEMBER 16, 2003 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE SEPTEMBER 16 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: A plaque and meals to Diehl's Restaurant were presented to Councilmen Harry Miller III and David Miller during Fire Prevention Month for the work they have done with the Nitro Fire Department and City Council.

AGENDA ITEM NO. 3 – BMX TRACK: Councilwoman at Large Brenda Tyler introduced some of the young people who race at the BMX track. They presented a trophy to the Mayor.

Council members were given a copy of the minutes from the September 18, 2003 Planning Commission Meeting. Mark Sanders addressed Council requesting that the zoning of 111 Michigan Avenue be changed from BI to R2. This would allow him to build ten 2 bedroom townhouses. COUNCILMAN DAVID MILLER MOVED THE ZONING OF 111 MICHIGAN AVENUE BE CHANGED TO R2, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

COPY ATTACHED

AGENDA ITEM NO. 4 – RES.03-06- ALL HAZARDS MITIGATION PLAN: Councilman David Miller said that the County has a plan in effect which is run through FEMA. The City of Nitro can sign on with them rather than establishing their own plan. In the event of a natural or man-made disaster it makes the City eligible for help from FEMA. COUNCILMAN DAVID MILLER MADE A MOTION TO PASS RES.03-06-

ALL HAZARDS MITIGATION PLAN, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

RESOLUTION 03-07 ATTACHED

AGENDA ITEM NO. 5 – BID OPENING – 2004 CALENDAR: City Recorder Joan McClanahan said she had not received any bids. Mayor Casto suggested it be extended to the next council meeting. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION TO EXTEND THE BID OPENING ON THE CALENDAR TO THE NEXT COUNCIL MEETING, SECONDED BY HARRY MILLER AND WAS CARRIED.

AGENDA ITEM NO. 6 – BID OPENING – REPLACE ROOF ON THE AMBULANCE STATION: City Recorder Joan McClanahan said she had received 3 sealed bids. Councilman at Large Timothy Sizemore opened the bid from BNC, Inc. for \$11,025.00. This bid included additional work that would need done. Councilman A.A. “Joe” Savilla opened the bid from Graley Roofing Co. for \$6,000.00. Councilwoman at Large Brenda Tyler opened the bid from TNT Construction for \$5,200.00. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION THAT THE BIDS BE TURNED OVER TO A.J. HILL, DIRECTOR OF PUBLIC WORKS, BRYAN CASTO BUILDING INSPECTOR, AND CITY TREASURER RALPH ALLISON; SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 7 – BID OPENING – ROAD LEADING TO FIKE ARTEL PROPERTY: City Recorder Joan McClanahan stated that she had received 3 sealed bids. There was discussion concerning having properties that adjoin the road be assessed for the paving and also NDA helping with the cost. COUNCILMAN HARRY MILLER III MADE A MOTION THAT THE BIDS BE HELD SEALED WHILE THE MATTER IS TURNED OVER TO CIY ATTORNEY APRIL ROBERTSON FOR CLARIFICATION, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 8 – CHANGE DATE & LOCATION OF NEXT COUNCIL MEETING: Mayor Casto stated that he had received approval from Golden Corral for a fundraiser for the Playground and Parks on October 21, 2003 from 5:00 – 7:00 pm. They need twelve volunteers to work and a sign-up sheet was passed around. All the tips received during that time will go toward the Playground. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION THAT THE OCTOBER 21 COUNCIL MEETING BEGIN AT 8:00 PM, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 9 – LEVY ELECTION RESULTS: City Recorder Joan McClanahan thanked the citizens of Nitro who voted for the levy and also the poll workers who did a great job. The levy passed with almost 70 percent approval. Councilman A.A. “Joe” Savilla thanked City Recorder Joan McClanahan for all her work in getting approval of the levy.



AGENDA ITEM NO. 10 – APRIL ROBERTSON: City Attorney April Robertson stated that at the last meeting there was a first reading on an ordinance concerning All Terrain Vehicles. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT THE ORDINANCE BE READ BY TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED. City Attorney April Robertson read the ordinance by title only: AN ORDINANCE PROHIBITING THE OPERATION OF ALL TERRAIN VEHICLES, UNLICENSED MOTOR VEHICLES, OTHER PERMITTED AND LICENSED VEHICLES OR ANY TYPE OF MOTOR VEHICLE NOT LICENSED BY THE WEST VIRGINIA DEPARTMENT OF MOTOR VEHICLES FOR STREET USE, FOR TRANSPORTATION, OR RECREATION PURPOSES UPON THE STREETS, ALLEYS, SIDEWALKS, PARKING LOTS, AND ANY REALTY OWNED, LEASED, OR CONTROLLED BY THE CITY OF NITRO. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

ORDINANCE 03-04

AGENDA ITEM NO. 11 – RALPH ALLISON: The City Treasurer informed Council that the City has received a check for \$24,000.00 from the Kanawha County Commission for the Hickory Road Water Project. There will be a Finance Committee meeting on Monday October 20, 2003 at 7:00 pm.

AGENDA ITEM NO. 12 – MAYOR'S COMMENTS: Councilman A.A. "Joe" Savilla mentioned what a great job that the Nitro High School football team is doing and encouraged Council to watch them.

Councilwoman at Large Brenda Tyler invited all council members to attend the ceremony at the Fike Artel site for the official turning over of the property to NDA. It will be on Oct. 14th at 11:00 am.

Mayor Rusty Casto mentioned that this Sunday around 11:00 a.m. pictures will be taken at the Nitro Church of the Nazarene if any council members wanted to come. Also at the first council meeting in November they will take the Council picture for the calendar. He also asked that everyone stand for a moment of silence for Phil Gaujot, a former city attorney who is critically ill. COUNCILMAN A.A. "JOE" SAVILLA ADJOURNED THE MEETING WITH PRAYER.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER

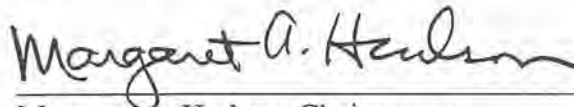
## PLANNING COMMISSION MINUTES, CITY OF NITRO, WV

SEPTEMBER 18, 2003

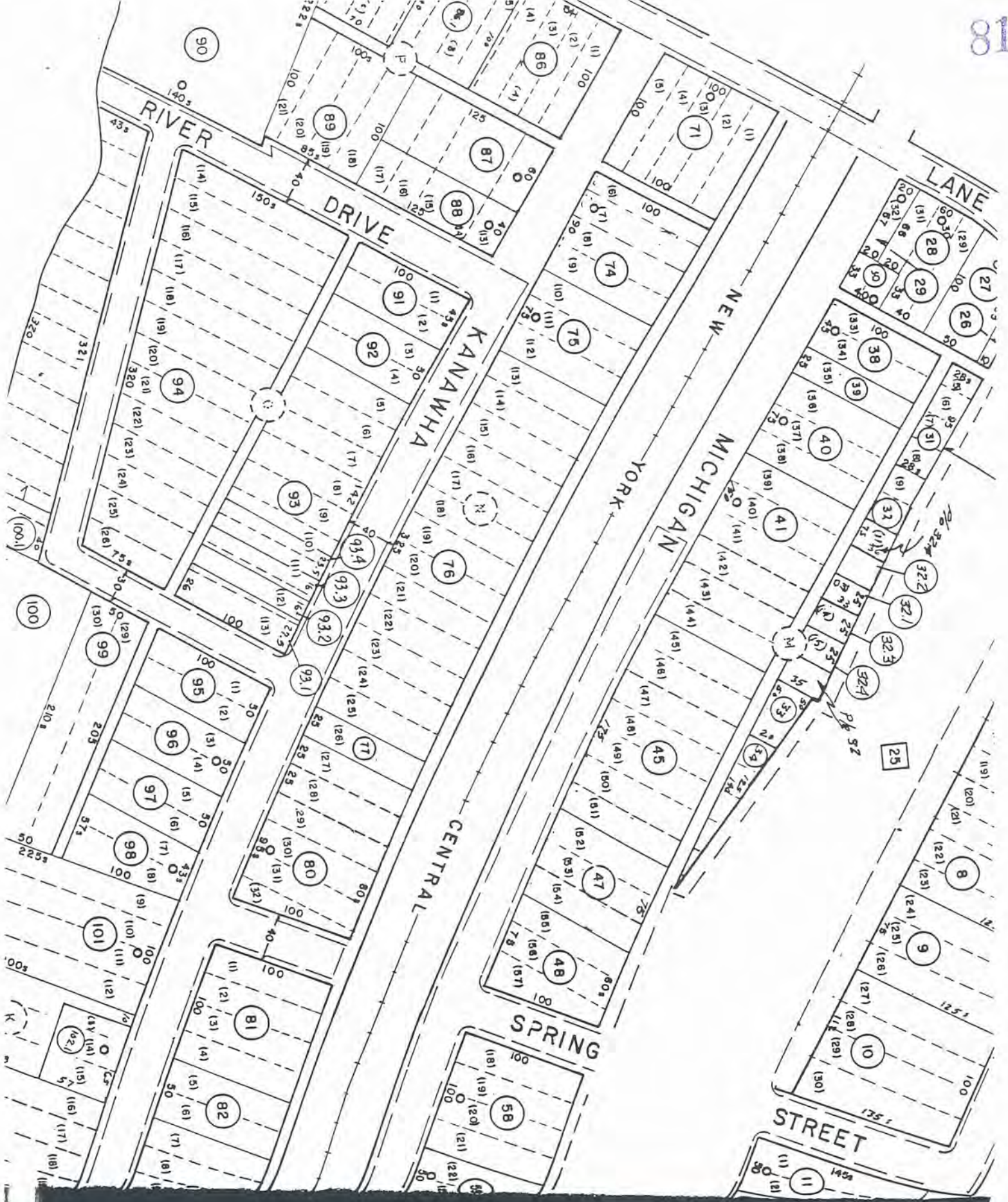
The Planning Commission of the City of Nitro met Thursday, <sup>Sat</sup>~~October~~ 18, 2003, at 7:00 p.m. in the council chambers of the Nitro Community Center. The meeting was called to order by Margaret Hudson, Chairperson.

The request from Mark Sanders, Sr., "to rezone property at 111 Michigan Avenue (7 lots) from B1 to R2" was considered. The motion received a second from Jim Hutchinson. Motion carried. Following a presentation from Mr. Sanders and a period of discussion Mr. Kermit Thompson moved "we recommend changing Lots 45, 46, 47, 48, 49, 50, and 51, plus Lots 33 and 34 (a very narrow strip next to State Route 25) of Block M, East Crawford Addition, Nitro, WV, from B1 to R2." The motion received a second from Dr. Charles Byrd. Motion carried.

The meeting was adjourned.

  
Margaret A. Hudson, Chairperson







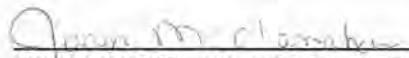
JOAN McCLANAHAN  
RECORDER  
755-0707

PUBLIC HEARING

The Planning Commission of the City of Nitro will hold a Public Hearing Thursday, September 18, 2003 at 7:00 p.m. in Council Chambers at the Nitro Community Center to consider request of:

MARK SANDERS – 603 MAIN AVENUE – REZONE 111 MICHIGAN AVENUE FROM B-1 TO R-2

Interested parties are invited to attend and express their views.

  
JOAN McCLANAHAN, RECORDER

PLEASE PUBLISH IN BOTH PAPERS: TUESDAY, SEPTEMBER 3 &  
TUESDAY, SEPTEMBER 10, 2003



REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO

Name of Person Making Request: MARK SANDERS

Address of Person Making Request: 603 MAIN AVE  
NITRO WV 25143

Telephone Numbers of Person Making Request: (H) 755-1811 (W) 741-0106

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of purposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request: Rezoning in Michigan Ave From B1 To R2  
7 Lots

Supporting Documents Attached:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_


Date of Request: 8-12-03 Signature of Requestor: Mark Sanders


The fee of \$ 25.00 (payable to The City of Nitro) to cover the cost of the legal ad is attached.

When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to \_\_\_\_\_ at City Hall.



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Plan Number: SD-1651-92

Description: The Hickory II

Bedrooms - Per Unit: 2

Baths - Per Unit: 1.5 - 1

Width - Building: 68' 2"

Depth - Building: 40' 8"

Main Ceiling Height: 9

Roof Pitch: 9 in 12

Secondary Roof Pitch: None

Floors - Per Unit: 2 - 2

Floors - Per Building: 2

1st Floor - Per Unit:  
542 - 542sq. ft.

2nd Floor - Per Unit:  
513 - 513sq. ft.

Total Living - Per Unit:  
1055 - 1055sq. ft.

Total Area - Building:  
4220 sq. ft.





## ORDINANCE NO. 03-04

AN ORDINANCE PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES, UNLICENSED MOTOR VEHICLES, OTHER PERMITTED AND LICENSED VEHICLES, OR ANY TYPE OF MOTOR VEHICLE NOT LICENSED BY THE WEST VIRGINIA DEPARTMENT OF MOTOR VEHICLES FOR STREET USE FOR TRANSPORTATION OR RECREATIONAL PURPOSES, UPON THE STREETS, ALLEYS, SIDEWALKS, PARKING LOTS, AND ANY REALTY OWNED, LEASED OR CONTROLLED BY THE CITY OF NITRO.

**WHEREAS**, pursuant to Chapter 8, Article 12, Section 5, Paragraph (1) of the West Virginia Code, as amended, municipal corporations have plenary power and authority to keep and maintain public streets, avenues, roads, alleys, and sidewalks free from obstructions; and

**WHEREAS**, pursuant to Chapter 8, Article 12, Section 5, Paragraph (4) of the West Virginia Code, as amended, municipal corporations have plenary powers and authority to regulate the use of streets, avenues, roads, alleys, sidewalks, crosswalks, and public places belonging to the municipality; and

**WHEREAS**, pursuant to Chapter 8, Article 12, Section 5, Paragraph (13) of the West Virginia Code, as amended, municipal corporations have plenary powers and authority to prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome; and

**WHEREAS**, pursuant to Chapter 8, Article 12, Section 5, Paragraph (57) of the West Virginia Code, as amended, municipal corporations have plenary powers and authority to provide penalties for the offenses and violations of law set forth in Chapter 8, Article 12, Section 5 of the West Virginia Code, as amended; and

**WHEREAS**, the Council of the City of Nitro has determined that, in order to best protect the safety, health, and general well-being of all individuals operating all-terrain vehicles, individuals operating unlicensed motor vehicles, individuals operating other permitted and licensed vehicles, and pedestrians, that the operation and use of all-terrain vehicles or any type of motor vehicle not licensed by the West Virginia Department of Motor Vehicles for street use for transportation or recreational purposes, upon the streets, alleys, sidewalks, parking lots, and any realty owned, leased or controlled by the City of Nitro, or any of its boards, authorities, or commission's within the corporate limits of the City of Nitro is prohibited, and further that such activity should be criminalized with the imposition of progressive fines against individuals operating, or allowing the operation of all-terrain vehicles or unlicensed motor vehicles in prohibited areas.

**Now, Therefore, Be it Ordained by the Council of the City of Nitro, West Virginia:** That chapter five of the Codified Ordinances of the City of Nitro, relating to vehicular operation be amended and reenacted to read as follows:



**ARTICLE 354. ALL-TERRAIN VEHICLES.**

**354.01. Definitions.**

Except as otherwise provided in this chapter the following words and phrases shall have the meanings set forth below:

(a) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control, or as otherwise defined in Section 17A-1-1 of the West Virginia Code, or any successor substitute thereto.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Minor" means any person under the age of 18.

**354.02. Prohibition of operation and use of all-terrain vehicles.**

The riding, operation, or other use of all-terrain vehicles for transportation or recreational purposes within or upon the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or property controlled by the City of Nitro or any of its boards, authorities, or commissions is prohibited.

**354.03. Exceptions.**

(a) Notwithstanding any other provision of this code, it shall not be an offense for any person to lawfully ride or operate any such all-terrain vehicle upon any governmentally-owned realty not owned or controlled by the City of Nitro or any of its boards, authorities, or commissions located within the corporate limits of the City of Nitro.

(b) Notwithstanding an other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle upon a designated parade route, when such person is a duly registered and recognized participant in any such permitted parade, provided that such all-terrain vehicle riding or operation occurs in conjunction with said parade.

(c) Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle on the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled property by the City of Nitro or any of its boards, authorities, or commissions for purposes of snow removal, if such vehicle is affixed or attached with implements or equipment specifically designed for that purpose, and to be used on such vehicles.

(d) Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle on the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled property by the City of Nitro or any of its boards, authorities, or commissions during a period of emergency when the emergency has been so declared by the mayor, and when such riding, operating or other use of any such ATV is in conjunction with response to such an emergency.

**354.04. Exemptions.**

The Federal Government, the State of West Virginia, and its political subdivisions are



exempt from the prohibitions contained herein, when any such all-terrain vehicle is used for government purposes.

**354.05. Authorizing or permitting a minor to violate any provision of this article.**

No person shall authorize or knowingly permit a minor to violate any provision within this section. Any such violation or knowingly permitting any such minor to violate the provisions of this section shall constitute a criminal violation hereof and shall subject such person to the criminal penalties set forth in this section. The citing of any person pursuant to this paragraph shall not be reason to prohibit the police officer from also citing the driver of said all-terrain vehicle.

**354.06. Penalties.**

(a) Any person who violates section 354.02 of this article shall constitute the commission of a misdemeanor criminal offense, and any officer of the Police Department of the City of Nitro or any other officer of any other police agency exercising proper jurisdiction within the corporate limits of Nitro is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of section 354.02. Any person convicted of a first offense established hereunder shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second or subsequent offense established hereunder shall be fined not less than two hundred fifty dollars (\$250.00).

(b) Any person who violates section 354.05 of this article shall constitute the commission of a misdemeanor criminal offense, and any officer of the Police Department of the City of Nitro or any other officer of any other police agency exercising proper jurisdiction within the corporate limits of Nitro is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of section 354.05. Any person convicted of a first offense established hereunder shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second or subsequent offense established hereunder shall be fined not less than two hundred fifty dollars (\$250.00).

**354.07. Liability.**

Nothing contained within this article is intended, nor shall be construed, so as to create or form the basis for any civil or administrative liability whatsoever on the part of the City of Nitro or any of its officers, officials, employees, or agents for any injury or damage resulting to any person as a consequence of any action or inaction on the part of the City of Nitro related, in any manner, to the enforcement or non-enforcement of this article by the City's officers, officials, employees, or agents.

**354.08. Severability.**

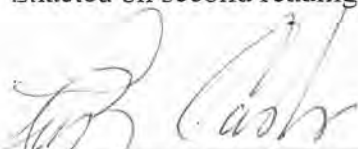
The provisions of this article are severable and, in the event that any provision or part hereof shall be held invalid for any reason by any court exercising competent jurisdiction, then such invalidity shall not be deemed to affect or impair any of the other provisions of this section not specifically held to be invalid. It is hereby declared to be the intent of the City of Nitro that this article would have been adopted if any such invalid provision or part hereof had not been included herein.

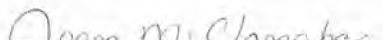
Passed on first reading:

SEPTEMBER 16, 2003

Enacted on second reading:

OCTOBER 7, 2003

  
Rusty Casto, Mayor

  
Joan McClanahan, Recorder



CITY OF NITRO  
COUNCIL MEETING MINUTES

OCTOBER 21, 2003

Mayor Rusty Casto called the meeting to order in Council Chambers at 8:00 pm. 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.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION.

KANAWHA COUNTY COMMISSIONER DAVE HARDY LED THE PLEDGE OF ALLEGIANCE.

Mayor Casto stated that Kanawha County Commissioner Dave Hardy is present this evening and was instrumental in helping the City get \$24,000.00 from the Kanawha County Commission for the Hickory Road Water Project and \$10,000.00 from RDA.

AGENDA ITEM NO. 1 – APPROVAL OF THE OCTOBER 7, 2003 COUNCIL MEETING MINUTES: COUNCILMAN A.A. "JOE" SAVILLA MOVED THE OCTOBER 7 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINED.

AGENDA ITEM NO. 2 – PUTNAM COUNTY DEVELOPMENT: Mr. Walton brought a copy of Perspective which is the annual report of the Putnam County Development Authority. He discussed projects that the Putnam County Development is working on.

Mayor Rusty Casto said they have selected the roofing contractor for the ambulance authority. City Treasurer Ralph Allison said the contract was awarded to TNT. Their bid amount was \$5,200.00 which was the lowest bid. Public Works Director A.J. Hill reviewed the bid and said it met the specifications.

City Attorney April Robertson said that property owners received notice on Oct. 9 and 10 that they could voice their opinions concerning the paving of the road abutting their properties for which they will be assessed proportionate shares. Approval is also needed of the plans, specifications, and estimate for the paving jobs. The bids also need to be re-advertised. City Attorney April Robertson read the Resolution by title only: THE RESOLUTION AND ASSESSMENT CONVENIENCE TO IMPROVE THE STONE ROADWAY LEADING UP TO FIKE ARTEL ROAD OFF PLANT ROAD IN THE CITY OF NITRO BY ASSESSMENT IN PROPORTIONATE SHARES OF ABUTTING PROPERTY OWNERS. SAID PAYMENT MAY BE MADE EITHER BY

LUMP SUM OR OVER FIVE TO TEN YEARS AT 8% INTEREST. Discussion was made by adjoining property owners voicing their concerns. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO TABLE THE RESOLUTION, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 3 – BID OPENING – CALENDAR: City Recorder Joan McClanahan opened the only bid which was from Color Craft. Bid amount is \$5,724.00 which is the same as last year. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ACCEPT THE BID FROM COLOR CRAFT FOR THE PRINTING OF THE CITY CALENDAR, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 4 – CERTIFY LEVY ELECTION RESULTS: CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO A MAKE THE MINUTES FROM THE SPECIAL LEVY ELECTION RESULTS A PART OF THE OCTOBER 21, 2003 COUNCIL MEETING MINUTES TO CERTIFY THE ELECTION RESULTS OF THE LEVY ELECTION HELD ON SEPTEMBER 27, 2003 SECONDED BY A.A. "JOE" SAVILLA AND WAS CARRIED.

COPY ATTACHED.

AGENDA ITEM NO. 5 – ISSUING PERMITS: City Recorder Joan McClanahan mentioned that there have been complaints by citizens regarding a few individuals who have been setting up on a daily basis all day long on the side of the road. The Police Department was notified by them that the vendors were blocking the view of the road. The Police Department told the vendors they needed to have a City License. There was a similar problem before and at that time the vendors were required to have a State Permit to set up along the side of the road on the state right of way. One of the vendors was very upset about this and continued to operate without a license. City Recorder Joan McClanahan called the Department of Highways concerning this matter and spoke with three different individuals. She received three different answers. The matter is now in the hands of City Attorney April Robertson to handle. According to City Attorney April Robertson the law states that you are not allowed to set up along the State right of way to sell anything. For the vendors to be there legally they would need to lease the property from the Division of Highways. Due to the magnitude of the property this is generally not enforced. At the very least a City Business License must be purchased by the vendor. Councilman at Large Timothy Sizemore asked if the City had the right to deny a vendor a City License to do business along the side of the road. According to City Attorney April Robertson the vendors are there illegally as far as the State is concerned. Councilman A.A. "Joe" Savilla said that if the City issues a license to do business within the City on properties that it is illegal for them to do business on then the City is in violation of the State law. Councilman at Large Richard Savilla said that if the vendors continue to set up without a City License then they are in violation of City Code. This can be enforced by the Police Department.



AGENDA ITEM NO. 6 – CHANGE TIME OF COUNCIL MEETING 11-4-03:

Mayor Rusty Casto said that the next council meeting needs to start at 7:00 pm because people from Kemron will be here at 7:30 to bring council and neighborhood up to date on the Smith Street Landfill work. On November 18, 2003 Council Members will be volunteering at Golden Corral to raise money for the pool and playground so that meeting will start at 8:00 PM. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO START THE NOVEMBER 4 COUNCIL MEETING AT 7:00 PM AND THE NOVEMBER 18 COUNCIL MEETING AT 8:00 PM, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Councilman A.A. "Joe" Savilla encouraged council members to help out on November 18 at Golden Corral.

AGENDA ITEM NO. 7 – APRIL ROBERTSON: Nothing to report.

AGENDA ITEM NO. 8 – RALPH ALLISON: City Treasurer Ralph Allison said he spoke with the Civic Benefits Association in relation to the Flexsys closing and the yearly contribution they give to the City. They assured him the city would get the regular quarterly contribution in January 2004 and also in April 2004. They could not tell him anything after that. It will probably be less, but they don't know how much. He said there should be no lay-off's.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Trick or Treat will be October 30 from 6:00 – 8:00 pm. Sgt. Joseph Savilla said the Police Department will have an additional 4 – 5 officers working that evening. There will be an officer stationed at Brookhaven Subdivision as well as other parts of town.

Councilman David Miller said he and his brother, Councilman Harry Miller, III, were involved in the Kanawha Putnam Local Emergency Planning Council Hazardous Material Drill at Par Industrial Park at 6:00 this evening. A large number of agencies were involved, and that is why they arrived late..

Councilwoman at Large Brenda Tyler thanked Mr. Hardy and the Kanawha County Commission for all their help on the playground. In the spring she would like the paving at the pool completed and the water park installed. She has a \$20,000.00 grant to go towards that from the Governor. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT UPON APPROVAL OF CITY TREASURER RALPH ALLISON WORK BE COMMENCED AT THE POOL TO COMPLETE THE PAVING AND INSTALL THE WATER PARK, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

City resident, Mr. Goodall said there is a lot of construction where he lives by a property owner. There is heavy equipment running out Spring Street and he is afraid the street will be torn up. He wanted to bring to Council's attention that there are going to be more problems with the street. He stated that they have access to the property from Rt. 25, but are using Spring Street instead.

THERE BEING NO FURTHER BUSINESS TO DISCUSS COUNCILMAN HARRY MILLER III MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

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

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



## SPECIAL LEVY ELECTION RESULTS

The meeting was called to order by City Recorder Joan McClanahan in Council Chambers at 10:00 a.m. Monday, October 6, 2003. The purpose of this meeting was to declare the election results. Present were Mayor Rusty Casto, City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen A. A. "Joe" Savilla, Bobby Smith and Harry Miller, III. Also present were Ballot Commissioner Bess Stahl, Vera McCormick and Pat Fisher from the Voters' Registration Office.

City Recorder Joan McClanahan explained that there wasn't a quorum at the scheduled meeting Friday at the Voters' Registration Office and it was then rescheduled for this morning.

Action taken as follows:

PRECINCT 349 – No challenged or spoiled ballots.

PRECINCT 350 – 2 challenged ballots and 2 spoiled ballots. One of the challenged ballots was not registered and COUNCILMAN A. A. "JOE" SAVILLA MOVED THAT WE DO NOT COUNT THE BALLOT THAT THE NAME IS NOT IN THE BOOKS, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED. The other ballot was a poll worker voting out of their precinct. COUNCILMAN HARRY MILLER, III MOVED THIS BALLOT BE COUNTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

PRECINCT 351 – 2 challenged ballots. The ballots were poll workers voting out of their precinct. COUNCILMAN A. A. "JOE" SAVILLA MOVED THESE BALLOTS BE COUNTED, SECONDED BY COUNCILMAN HARRY MILLER AND WAS CARRIED.

PRECINCT 352 – No challenged ballots and 1 spoiled ballot.

PRECINCT 353 – 1 challenged ballot which was a poll worker voting out of his/her precinct. COUNCILMAN HARRY MILLER, III MOVED THIS BALLOT BE COUNTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

PRECINCT 354 – No challenged or spoiled ballots.

PRECINCT 22 & 23 – 4 challenged ballots. Two of the ballots were poll workers voting out of their precinct. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THESE BALLOTS BE COUNTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. Another ballot was by a person voting in their new precinct, since they had moved, but was registered in another precinct. COUNCILMAN A. A. "JOE" SAVILLA MOVED THIS BALLOT BE COUNTED, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED. The

other ballot was where the poll workers could not find name in book. Voters Registration Office checked with Putnam County and the individual was registered. COUNCILMAN HARRY MILLER, III MOVED THIS BALLOT BE COUNTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

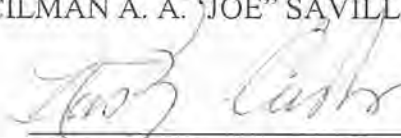
There were 9 challenged ballots, 7 for the levy, 1 against the levy and 1 that wasn't counted due to name not being in the books.

Councilmen A. A. "Joe" Savilla, Bobby Smith and Harry Miller, III were asked to hand count Precinct 351 and it balanced. The tabulation was 35 for the levy and 19 against with 1 ballot not punched.

The total for the levy – 258 for the levy – 109 against and 1 that wasn't counted.

The election results were declared and will be certified at the council meeting October 21, 2003.

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



CITY OF NITRO  
COUNCIL MEETING MINUTES

NOVEMBER 4, 2003

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:00 pm. Present were City Recorder Joan McClanahan, Councilmen at Large Richard Savilla, Timothy Sizemore, Councilmen David Miller, Bobby Smith, and Harry Miller III. Also present were City Attorney April Robertson and City Treasurer Ralph Allison. Absent were Councilwoman at Large Brenda Tyler and Councilman A.A. "Joe" Savilla.

DEAN MILLER GAVE THE INVOCATION.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

Mike Rutherford, candidate for Kanawha County Sheriff, was present and spoke a little about positions he has held in the past.

AGENDA ITEM NO. 1 – APPROVAL OF THE OCTOBER 21, 2003 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THE OCTOBER 21 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITME NO. 2 – CITIZEN OF THE MONTH: Shirley Haynes, an employee of Gino's for 20 years, was named Citizen of the Month by Mayor Casto. She was unable to attend due to her work schedule. She will receive a plaque and two dinners at Diehl's Restaurant.

AGENDA ITEM NO. 3 – LIGHTS AT THE PARK: Police Chief Jack Jordan said there have been ongoing disturbances at the park and it is getting out of hand. He is unable to station a single policeman there. Mayor Rusty Casto said they would leave the lights on at the park until 10:00 pm. City Recorder Joan McClanahan suggested they put a timer on the lights.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: Nothing to report.

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

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: Councilman Harry Miller III stated that Fire Chief Ernie Hedrick along with another officer from the Fire Department had a meeting with some of the people at the Rite Aid Distribution Center to discuss the possibility of the City contracting for their fire protection service. Mr. Miller felt a committee should be appointed to meet with Rite Aid to negotiate a contract for their fire protection. COUNCILMAN HARRY MILLER III PROPOSED THAT

MAYOR RUSTY CASTO, FIRE CHIEF ERNIE HEDRICK, CITY TREASURER RALPH ALLISON, COUNCILMAN HARRY MILLER III, AND ANOTHER COUNCIL MEMBER FORM A COMMITTEE TO NEGOTIATE A CONTRACT FOR FIRE PROTECTION WITH THE RITE AID DISTRIBUTION CENTER, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

MAYOR RUSTY CASTO ADJOURNED THE MEETING FOR 10 MINUTES.

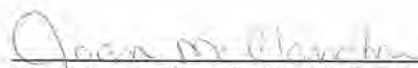
COUNCIL MEETING RECONVENED AT 7:25.

AGENDA ITEM NO. 7 – KEMRON REPORT: David Hight gave an update on the work that Kemron is doing at the old Smith Street Landfill. A question and answer session followed.

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING WAS ADJOURNED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER



CITY OF NITRO  
COUNCIL MEETING MINUTES

NOVEMBER 18, 2003

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 8:00 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.

Mayor Casto reported that over the weekend we lost one of our citizens in the Iraqi Desert, Rick William Hafer of 4065 40<sup>th</sup> Street. He asked that we have a moment of silence in memory of our fellow citizen. Mayor Casto asked that we also remember all the people suffering from the war in Iraq, and especially the family of Rick Hafer..

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 11-04-03 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED FOR THE APPROVAL OF NOVEMBER 4, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Councilwoman at Large Brenda Tyler said we have a memorial in front of City Hall with soldiers' names that were killed in the war. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED WE OBTAIN A PLAQUE AND ADD RICK HAFERS' NAME TO THE MONUMENT, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2- ANNEXATION COMMITTEE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED SHE BE APPOINTED TO THE ANNEXATION COMMITTEE AND ALSO COUNCILMAN A. A. "JOE" SAVILLA. They would meet and do some research on annexation and bring it back to council. THE MOTION WAS SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 3 - CITY CHRISTMAS PARADE: - Mayor Casto informed that our Christmas Parade is planned for December 6, 2003. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE CHRISTMAS

PARADE BE HELD DECEMBER 6, 2003, BEGINNING AT 6:00 P.M., SECONDED BY COUNCILMAN HARRY MILLER, III. Councilman Harry Miller, III suggested a letter be given to all members of the parade instructing them to not throw candy from their vehicle for safety reasons. Councilwoman Tyler informed that they were told this, and they were also informed of this last year but some did not abide by the rule. She explained that they could have people walking beside the unit passing out candy if they desired. A VOTE WAS TAKEN AND IT WAS UNANIMOUSLY APPROVED.

Mayor Casto yielded the floor to the City Attorney. Attorney April Robertson reported that last December a house on 12<sup>th</sup> Street was destroyed by fire and they have been attempting since then to get in contact with the owners of that structure to have it demolished pursuant to City Code. It is unfit for habitation, and Bryan Casto has been working to determine the record owner of that property. Building Inspector Bryan Casto said Council needs to consider who will pay for this. He said they wrote a letter to the owner on record advising they had ten days to demolish the house and expressed that if they did not abide by this, the City would prepare to contact a demolition company to have it done and put a lien on the property. If there would be any excess amount due, we will have to sue them for the difference. The notice was mailed certified with return receipt requested and they did have the notice with a signature that the letter was received. Now Council needs to decide if they want to put forth the money to have this house demolished and in turn go after the property owner. Attorney April Robertson said this is what the code states is the procedure. Bryan Casto said he had three bids, two at \$15,000 and one at \$17,000. He said he feels we should advertise for bids. COUNCILMAN DAVID MILLER MOVED WE PUT THE DEMOLISHION OF THE HOUSE ON 12<sup>TH</sup> STREET OUT FOR BIDS, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto mentioned that if he could get someone to demolish the house for no charge would he have Councils' permission, and they agreed it would be okay after they worked out the details with the Building Inspector.

AGENDA ITEM NO. 5 – RALPH ALLISON: - Mayor Casto yielded the floor to the City Treasurer Ralph Allison. Mr. Allison said that most of Council is aware there have been a couple of articles in the paper recently regarding the Fire and Police Pension plans and he wanted to bring everyone up-to-date on where we stand. He said the Legislature contracted with a firm, Gabriel, Roeder, Smith and Company to do an actuarial study on all the pension plans of all of the Cities of West Virginia. He advised that since 1990, we have been making a contribution to those pension plans that were equal to 107% of the previous year's contribution. We have been increasing the contributions 7% every year, and this is the formula that is in WV Code, Section 8, 22-20. Based upon the actuarial study furnished us, if we continue to do that the same way, in the year 2017 our plans will only be funded 56% and 35%, and the goal is 100%. In order to be 100% funded by the 2017, our contributions to the fund would increase to \$408,000 a year. We are currently paying \$132,000. The actuarial report states that it is unrealistic for the city to do that and have come up a suggested plan. Under this plan, we would have to come up with about \$227,000 a year as opposed to the \$132,000. If we



were to do that then the funds would be 100% funded in 30 years. He said he was pretty sure the Legislature will address this issue and come up with a plan, and he didn't think there was anything we could do right now until we wait and see what they are going to do other than discuss it at our budget meetings in February and March.

City Recorder Joan McClanahan said she wanted to follow-up on a letter members of Council received from Chief Jack Jordan about a bill that he was concerned with that hadn't been paid. She said that in five minutes checking she found that someone hadn't given him the whole story. On the list of outstanding invoices attached to the letter, half of them are paid or were not our responsibility in the first place. Members of Council were furnished a letter from the City Treasurer Ralph Allison stating he had already addressed the invoices mentioned. City Recorder Joan McClanahan stated that she didn't understand why our Chief or any department head had to be bothered with bills. They have enough to do without having to find out why a bill wasn't paid. All vendors should have to come to the Mayor, Treasurer or Accounts Payable clerk. The City Recorder Joan McClanahan said the Chief has enough to do and agreed to call the lady regarding the bill if the Chief wanted her to. She resented the vendors calling the Chief or other Department Heads as they have enough to do without this.

COUNCILMAN DAVID MILLER MOVED THE ACTUARIAL REPORT RECEIVED FROM THE TREASURER RALPH ALLISON BE MADE A PART OF THE RECORD, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.  
COPY ATTACHED.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: - Mayor Casto said he received notice that his term from the KRT Board had expired. COUNCILMAN A. A. 'JOE' SAVILLA MOVED MAYOR CASTO BE REAPPOINTED TO THE KRT BOARD, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler said she was happy to present to the Treasurer Ralph Allison \$625.00 for the playground that was received this evening from members of Council and others working at the Golden Corral for two hours. The Golden Corral will also be sending a check for \$100.00. She thanked everyone for coming out and participating. It was a good evening and they will be doing this again in the spring. Councilwoman Tyler suggested the Mayor write a letter to the Golden Corral thanking the Servers for working along side of our people and giving up their tips.

Councilman Harry Miller, III mentioned that there was an article in the paper this evening where there was approximately a 50% increase to fund sewer improvements in Charleston, and was proud to point out that the City of Nitro Sanitary Board was able to accomplish a set of similar mandated requirements for a rate increase of 12%. He congratulated the Nitro Sanitary Board, and City Recorder Joan McClanahan said she wanted to endorse this. She thanked the Sanitary Board for doing so well in saving our

citizens money. Councilman Harry Miller said an average monthly bill in Charleston is going from around \$16.00 to an excess of \$25.00. The dollar figure for the entire project is in the 40 million dollar range as of now. They have a lot of sewers that need a lot of work.

Councilman David Miller said he was thankful that Nitro didn't have to pay a \$1.00 to work here and invited businesses to come to Nitro.

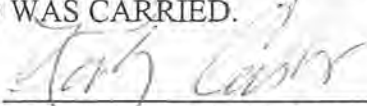
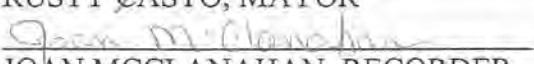
Councilman A.A. "Joe" Savilla thanked everyone for working at the Golden Corral this evening. He asked the Treasurer to get with the Accounts Payable Clerk to pay bills as he didn't want the city to get a black eye for not paying bills as they had three years ago. We've worked too hard to get the city out of the red to see something like this happen.

Councilwoman at Large Brenda Tyler asked for volunteers for a project she is involved with at the Nitro Elementary School. She said that one of the greatest things to help children stay in school, make better grades and be happier with the school is to have someone at the door to greet them of the mornings when they enter the school buildings other than a teacher or principal. She asked for volunteers to do this for about a half hour to greet the children as they enter the school. She said she needs two, one at each door beginning at 7:15 a.m. City Recorder Joan McClanahan and Councilman A. A. "Joe" Savilla volunteered. Councilwoman Brenda Tyler said that Councilman Joe Savilla was a good greeter. Mayor Casto said he read an article in a magazine last year that if you have a greeter at the door, it increases test scores by ten percent and gets the day off to a good start. He said he ask Ms Price if they could greet the children and she agreed and this is when Councilwoman Tyler and he started this.

City Recorder Joan McClanahan said she was approached by some members of the antique businesses and then she contacted Bryan Casto as he knows a lot about antiques. They talked about having a festival in the spring. The total details haven't been worked out yet, but she would be meeting with them along with Bryan. They are going to attempt to do something to encourage the business itself and involve the City. She said she would make a report after she has more information. She feels we should support the businesses we have.

Mayor Casto reported that at the next Council Meeting Council would have their pictures taken.

There being no further business, COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

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



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**CITY OF NITRO, WEST VIRGINIA  
FIREMEN'S PENSION AND RELIEF FUND**

**for the Year Beginning July 1, 2002**



**Gabriel, Roeder, Smith & Company**

*Accountants and Actuaries*

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GABRIEL, ROEDER, SMITH & COMPANY  
CONSULTANTS & ACTUARIES

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20 North Clark Street • Suite 1100 • Chicago, Illinois 60602 • 312-456-9800 • Fax 312-456-9801

November 7, 2003

Mr. Ralph Allison  
Treasurer  
P.O. Box 308  
Nitro, WV 25143

**Subject: City of Nitro Firemen's Pension and Relief Fund  
Actuarial Valuation Report for the Year Beginning July 1, 2002**

Dear Mr. Allison:

Upon the request of the State Treasurer's Office of the State of West Virginia, we have performed an actuarial valuation as of July 1, 2002 for the City of Nitro, West Virginia Firemen's Pension and Relief Funds ("the Fund"). This valuation has been performed in accordance with the West Virginia Code §8-22 Part III. The primary purpose of this report is to assess the adequacy of the current funding policy as defined in West Virginia Code §8-22-20 which states the "minimum standard for actuarial soundness". The assumptions and methods were selected by the actuary and approved by the State Treasurer's Office.

This valuation is based upon:

**Plan Member Data** – Data for active members and persons receiving benefits from the Fund as of June 30, 2002 was provided by the Fund's staff. We have tested this data for reasonableness.

**Asset Values** – A reconciliation of market value of assets during the plan year ending July 1, 2002 and assets held as of June 30, 2002 by investment category was provided by the Fund.

**Plan Provisions** – A summary of the key plan provisions valued are set forth in Section VI of the report: Summary of Principal Plan Provisions.

**Actuarial Methods** – Fund liabilities were measured using the Entry-Age Normal Actuarial Cost Method. The valuation was based on the market value of assets. The actuarial methods used in the valuation are set forth in Section V of the report: Actuarial Assumptions and Methods.



Mr. Ralph Allison  
Treasurer  
City of Nitro Firemen's Pension and Relief Fund  
Page 2

**Actuarial Assumptions** - The actuarial assumptions used include a discount rate of 6.00%. The assumptions used in the valuation are set forth in Section V of the report: Actuarial Assumptions and Methods.

The valuation results disclosed in this report are based on the data and actuarial assumptions and methods described above, and upon the provisions of the Plan as of the valuation date. Based on these items, we certify these results to be true and correct.

Respectfully yours,



Michael R. Kivi, F.S.A.  
Senior Consultant



Alex Rivera, A.S.A.  
Senior Consultant

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## SECTION I

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Effective July 1, 2002

## City of Nitro Firemen's Pension and Relief Fund Actuarial Study as of July 1, 2002

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### Summary of Valuation Results

Upon the request of the State Treasurer's Office of the State of West Virginia, we have performed an actuarial valuation as of July 1, 2002 for the City of Nitro, West Virginia Firemen's Pension and Relief Fund ("Fund" or "Plan"). The primary purpose of this report is to assess the adequacy of the current funding policy as defined in West Virginia Code §8-22-20 which states the "minimum standard for actuarial soundness".

Based on the information provided by the Fund, the City of Nitro has elected to fund benefits using the alternative minimum contribution methodology as defined in the West Virginia Code Section 8-22-20. The key features of the alternative contribution include:

- The initial alternative contribution effective for plan year 1991 is the greater of 107% of the amount contributed for the plan year ending June 30, 1990 or the five-year average of contributions made since 1984.
- Employer contributions made in subsequent years cannot be less than 107% of the contribution made in the prior fiscal year.
- The actuary must certify in writing that the Fund is projected to be solvent under the alternative contribution method for the next consecutive 15-year period. A plan is deemed to be solvent if projected assets are greater than zero over the 15-year projection period.
- Beginning September 1, 2003, any municipality which elected the alternative funding method has the option of reverting to the standard funding method if the unfunded actuarial liability is less than 25% of fund assets. In this case, the standard minimum contribution equals the normal cost plus the amortization of the unfunded liability over a period of not more than 40 years commencing from July 1, 1991, less the allocable portion of the state premium tax fund for municipal pension and relief funds.

As of July 1, 2002, the actuarial accrued liability of \$3,032,890 exceeded the market value of assets of \$346,587 by \$2,686,303. The funded ratio, market value of assets divided by actuarial liabilities, is 11%. The funded ratio is a key indicator of the financial status of the Plan and is widely accepted by public retirement systems and accounting authorities such as the Governmental Accounting Standards Board (GASB).

Based on the alternative funding policy the expected employer contribution for plan year ending June 30, 2003 is \$101,258 or 27% of covered payroll and includes an additional contribution of \$0 in order for the plan to remain solvent through the 15-year projection period. The solvency test assumes plan assets must exceed zero over the 15-year projection period on both an open-group basis, assuming a stable population, and on a closed-group basis, assuming no new entrants.



## City of Nitro Firemen's Pension and Relief Fund Actuarial Study as of July 1, 2002

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### Summary of Valuation Results (Continued)

If the City continues to contribute the alternative minimum amount, in the year 2017 based on an open group projection, the funded ratio is expected to be 35% and the annual employer contribution rate is expected to increase to 47% of covered payroll. The results of the actuarial valuation as of July 1, 2002 are shown in the following schedules and graph:

- Schedule A: Summary of Key Valuation Results
- Schedule B: Minimum Funding Requirements
- Graph 1: Solvency Projections Under the Alternative Funding Method

**City of Nitro Firemen's Pension and Relief Fund**  
**Actuarial Study as of July 1, 2002**

**Summary of Key Valuation Results**

**Schedule A**

Valuation Date	July 1, 2002	
Valuation Interest Rate	6.00%	
Cost-of-Living Adjustment	3.00%	
Salary Increase	5.00%	
Covered Payroll	\$378,870	
Expected Benefit Payments	\$147,761	
1. Actuarial Accrued Liability		<u>No.</u>
(a) Actives	\$1,216,055	11
(b) Retirees	\$1,524,259	7
(c) Surviving Spouses	\$93,655	1
(d) Disabled Members	\$198,921	1
(e) Deferred Vested Members	<u>\$0</u>	<u>0</u>
(f) Total	\$3,032,890	20
2. Present Value of Future Normal Costs	\$1,184,290	
3. Present Value of Benefits (1 + 2)	\$4,217,180	
4. Market Value of Assets	\$346,587	
5. Unfunded Actuarial Accrued Liability (1(f) - 4)	\$2,686,303	
6. Funded Ratio (4 / 1(f))	11%	
7. Net Employer Normal Cost	\$87,053	
( % of Compensation)	23%	
8. Standard Minimum Employer Contribution <sup>a</sup>	\$226,527	
( % of Compensation)	60%	
9. Alternative Minimum Employer Contribution <sup>b</sup>	\$101,258	
( % of Compensation)	27%	

<sup>a</sup> Normal cost plus 40-year level dollar amortization period closed since June 30, 1991, less State Contribution.

<sup>b</sup> 107% of prior year's alternative contribution.



# City of Nitro Firemen's Pension and Relief Fund

## Actuarial Study as of July 1, 2002

### Minimum Funding Requirements

### Schedule B

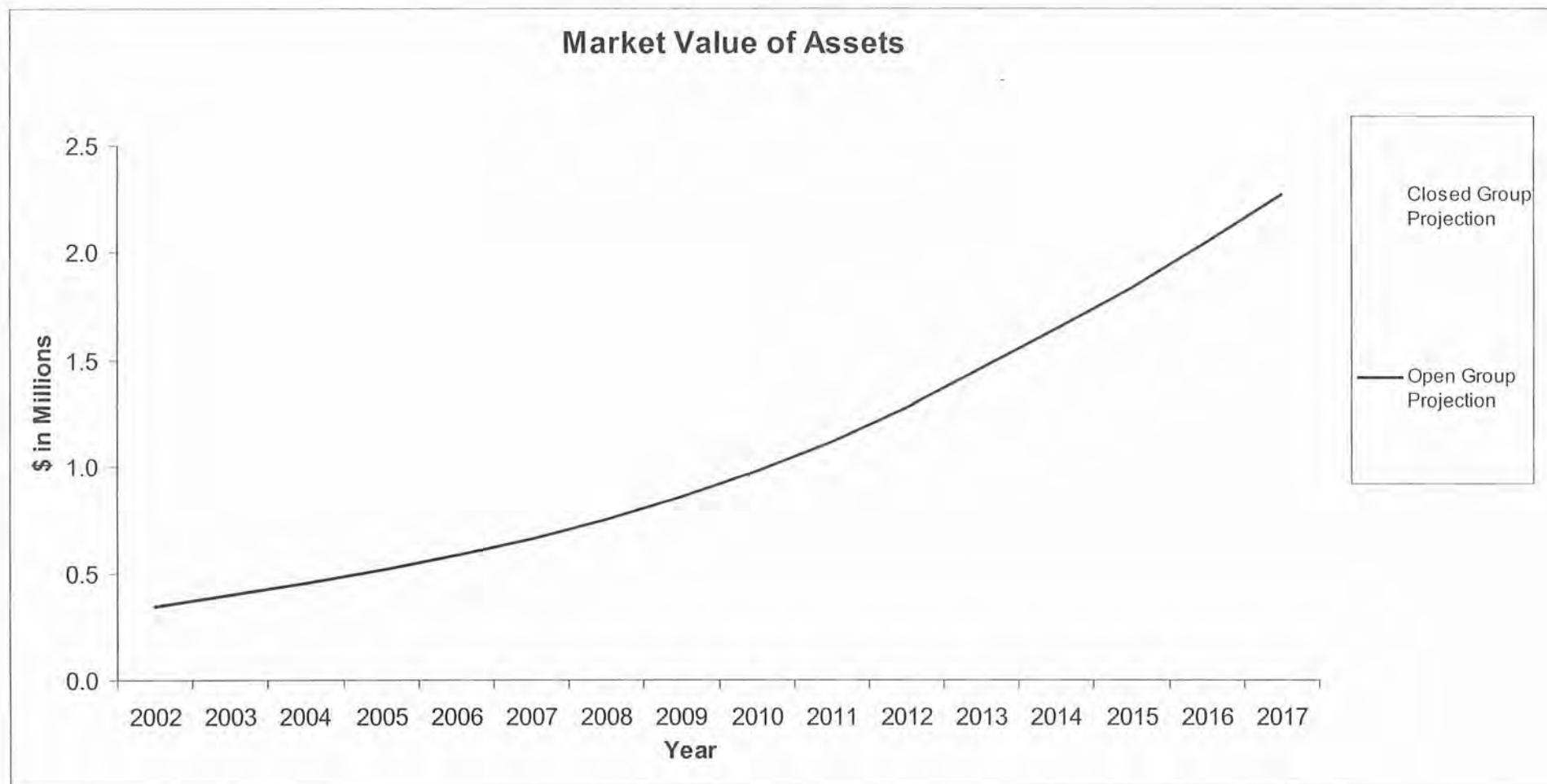
Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Covered Payroll	\$378,870
Expected Benefit Payments	\$147,761
1. Net Employer Normal Cost	
(a) Gross Normal Cost	\$113,574
(b) Employee Contribution Rate	7.00%
(c) Expected Employee Contributions	\$26,521
(d) Net Employer Normal Cost (a - c)	\$87,053
2. Amortization of Unfunded Actuarial Accrued Liability	
(a) Actuarial Accrued Liability	\$3,032,890
(b) Market Value of Assets	\$346,587
(c) Unfunded Actuarial Liability (a - b)	\$2,686,303
(d) Amortization of UAAL <sup>a</sup>	\$186,469
3. Estimated State Insurance Premium Tax Allocation	\$46,995
4. Standard Minimum Employer Contribution	
(a) Net Employer Normal Cost	\$87,053
(b) Amortization of UAAL less State Contribution, ( 2(d) - 3, not less than zero)	\$139,474
(c) Standard Minimum Employer Contribution (a + b)	\$226,527
4. Alternative Minimum Employer Contribution	
(a) Prior Year Alternative Contribution <sup>b</sup>	\$94,634
(b) Increase in Alternative Contribution	7.00%
(c) Current Year Alternative Contribution	\$101,258
(d) Additional Contribution to Satisfy 15-year Solvency Test	\$0
(e) Alternative Contribution ( c + d )	\$101,258

<sup>a</sup> 40-year level dollar amortization period closed since June 30, 1991, 29 years remaining as of June 30, 2002 .

<sup>b</sup> Assumed based on actual contribution made in prior year.

**City of Nitro Firemen's Pension and Relief Fund  
Solvency Projections under Alternative Funding Method**

**Graph 1**





## SECTION II

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1. 100 artists

## City of Nitro Firemen's Pension and Relief Fund

### Actuarial Projections

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#### Open-Group Projections

The City of Nitro Firemen's Pension and Relief Fund has elected to fund benefits using the alternative minimum standard. Under this funding policy, the funded ratio of the Fund is expected to be 35% in the year 2017 and the contribution rate will increase to 47% of payroll after 15 years. Please note that the alternative minimum standard may not be consistent with actuarial standards. A more common approach, used by many public plan sponsors, is to contribute the normal cost plus the amortization of the unfunded actuarial accrued liability. This approach will generally produce stable contribution rates when expressed as a percentage of pay and is consistent with actuarial standards.

In lieu of the alternative minimum contribution, a plan sponsor may elect to contribute the standard minimum contribution after September 1, 2003 if the plan's funded ratio is greater than 75%. The standard contribution is defined as the net employer normal cost plus a 40-year amortization of the unfunded accrued liability, less the allocable portion of the state premium tax fund for municipal pension and relief funds. The standard minimum contribution is consistent with actuarial standards.

The following graphs show a 30-year open-group projection of assets, liabilities and contribution rates and compare the impact of the alternative versus the standard funding policies. For purposes of projecting the standard minimum contribution, we have assumed a 40-year closed amortization period commencing in 1991 with 29 years remaining as of July 1, 2002. We have also assumed the active population would remain stable. The key differences of the standard minimum funding policy when compared to alternative minimum funding policy include:

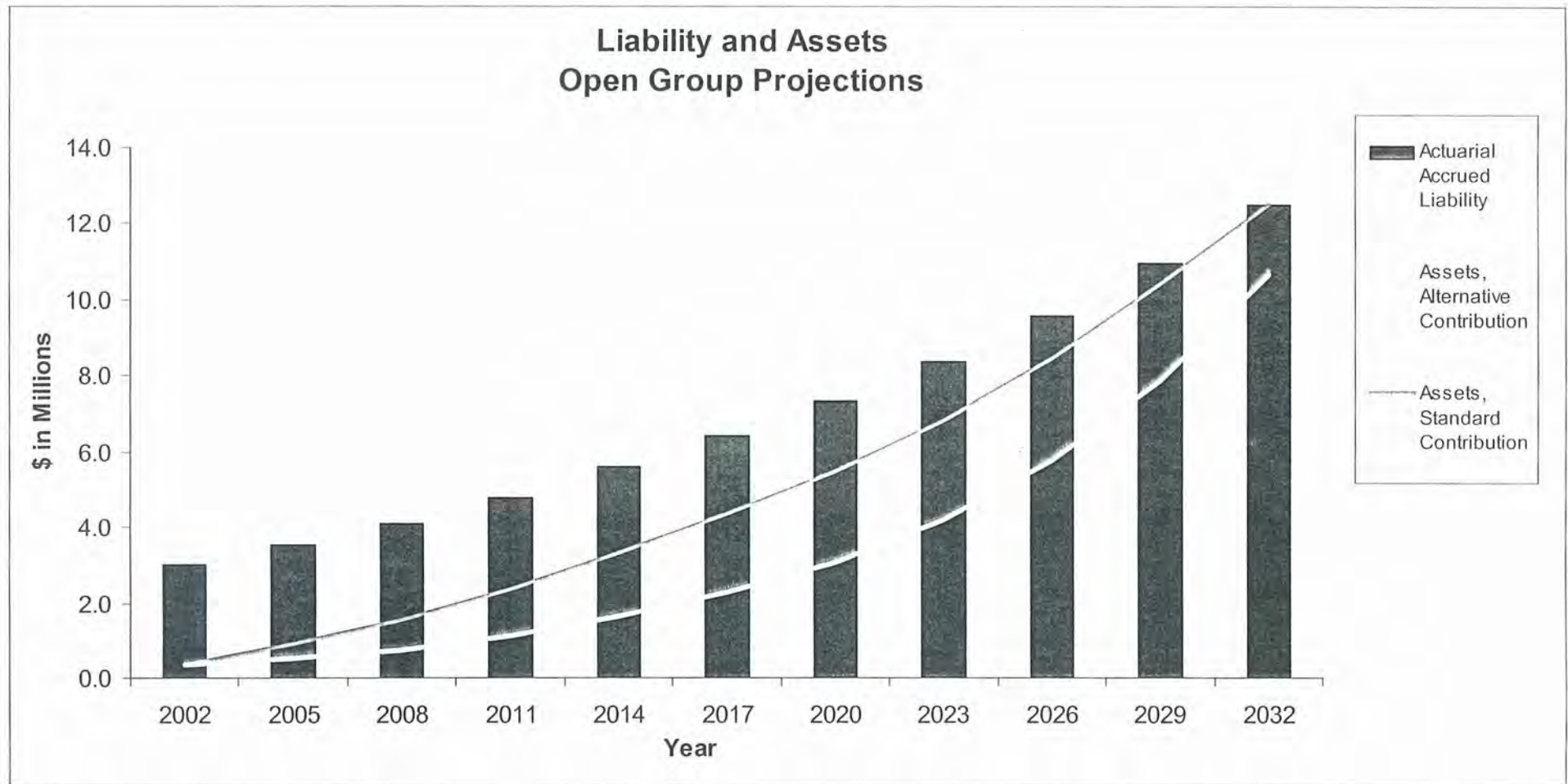
- **Funding adequacy.** Graph 2 contains a 30-year projection of assets and liabilities under the standard versus alternative funding policies. Under the standard funding policy, assets are expected to grow to \$12,481,000 or 100% of liabilities in the year 2032. Under the alternative funding policy, assets are projected to be \$10,643,000 or 85% of liabilities. Graph 3 shows a similar relationship expressed in terms of the funded ratio of assets to liabilities.
- **More manageable long-term cash flow.** Graph 4 projects cash flows assuming the standard funding policy. In this case, investment income is projected to become a significant source of cash to pay benefits; employer contributions are expected to increase at a steady rate and will decline to the normal cost in 2032 when the unfunded actuarial liability becomes fully amortized. Graph 5 projects cash flows assuming the alternative funding policy. In this case, less investment income will be available to pay retiree benefits and employer contributions are expected to grow rapidly. Graph 6 shows the projected contribution rates, expressed as a percentage of pay, under the standard versus alternative funding policies. In this graph, the contribution rate under the standard policy starts at 60% of pay in 2002, declines steadily and then drops to 23% in 2032 because the unfunded actuarial liability has been fully amortized. Under the alternative funding policy, the contribution rate starts at 27% of payroll in 2002 with the contribution amount increasing at 7% each year, approaching 84% of payroll in 2032.

Because the plan is not well funded, as indicated by a funded ratio of 11% as of July 1, 2002, the standard minimum funding policy will initially require significant contributions. For the plan year ending June 30, 2002, a contribution of \$226,527 or 60% of payroll would be required under the standard funding policy. Under these circumstances making contributions under the standard funding policy may not be practical even though over the long run it would significantly improve the funded status of the plan.



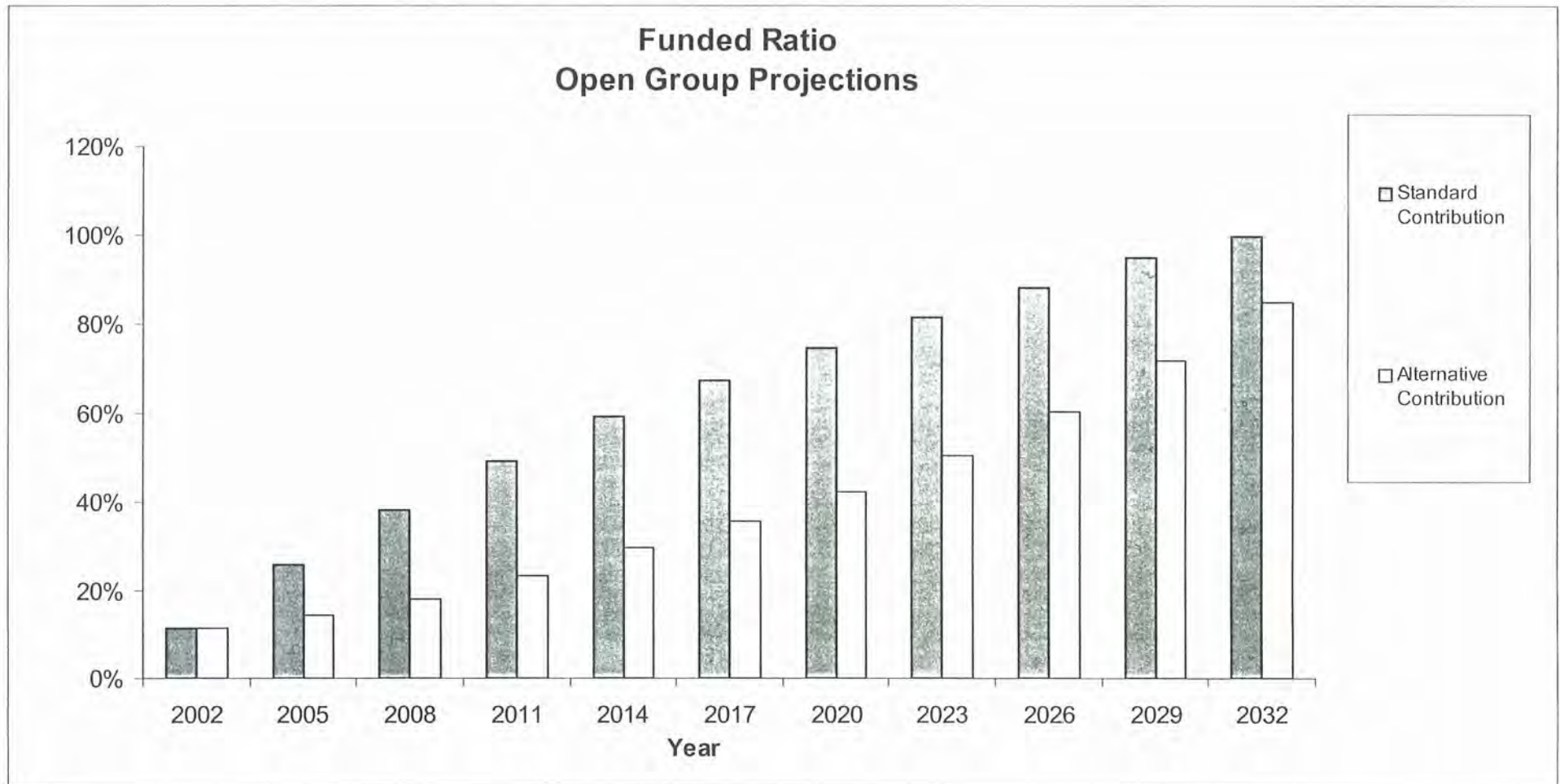
## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 2



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

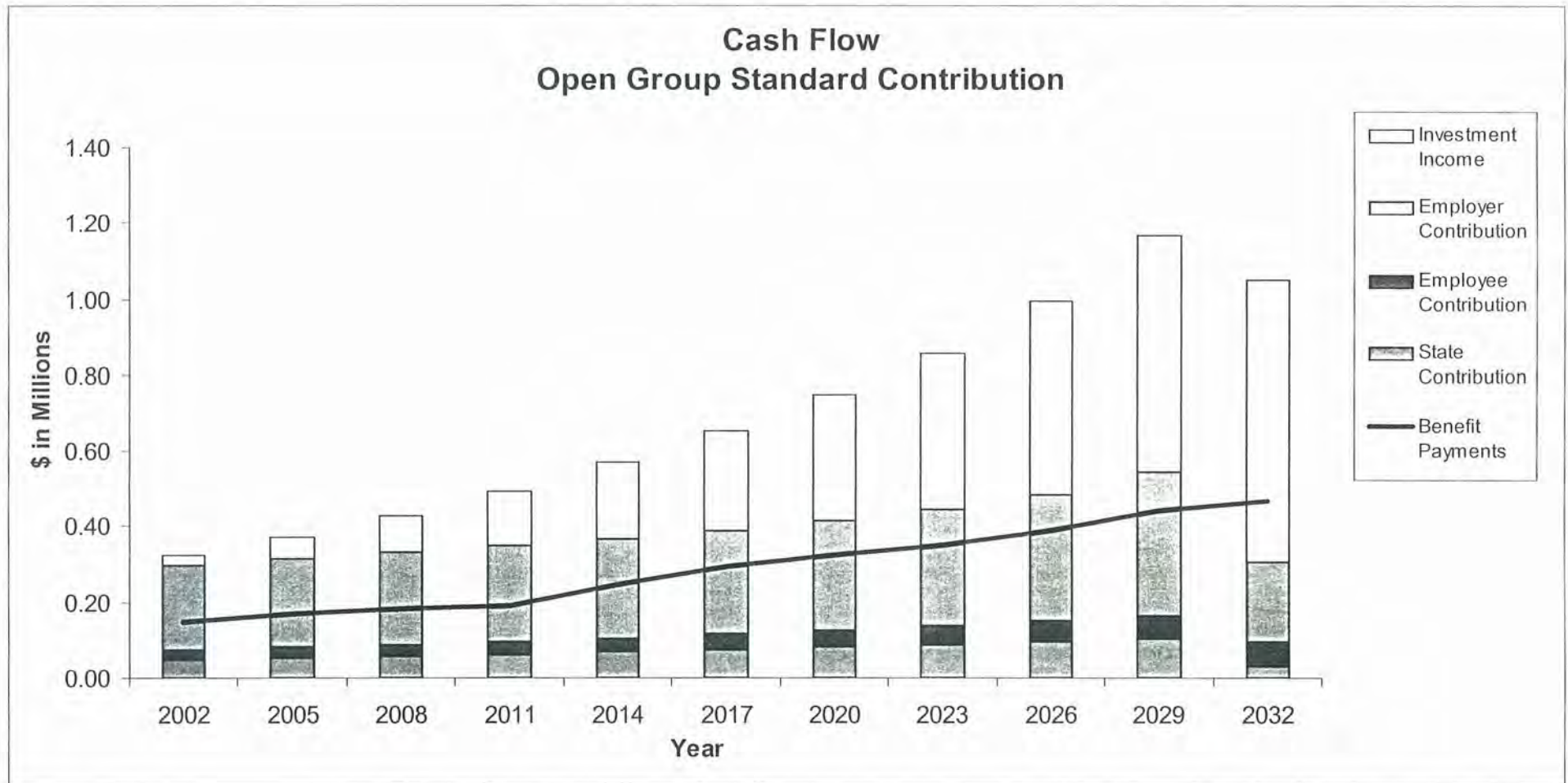
**Graph 3**





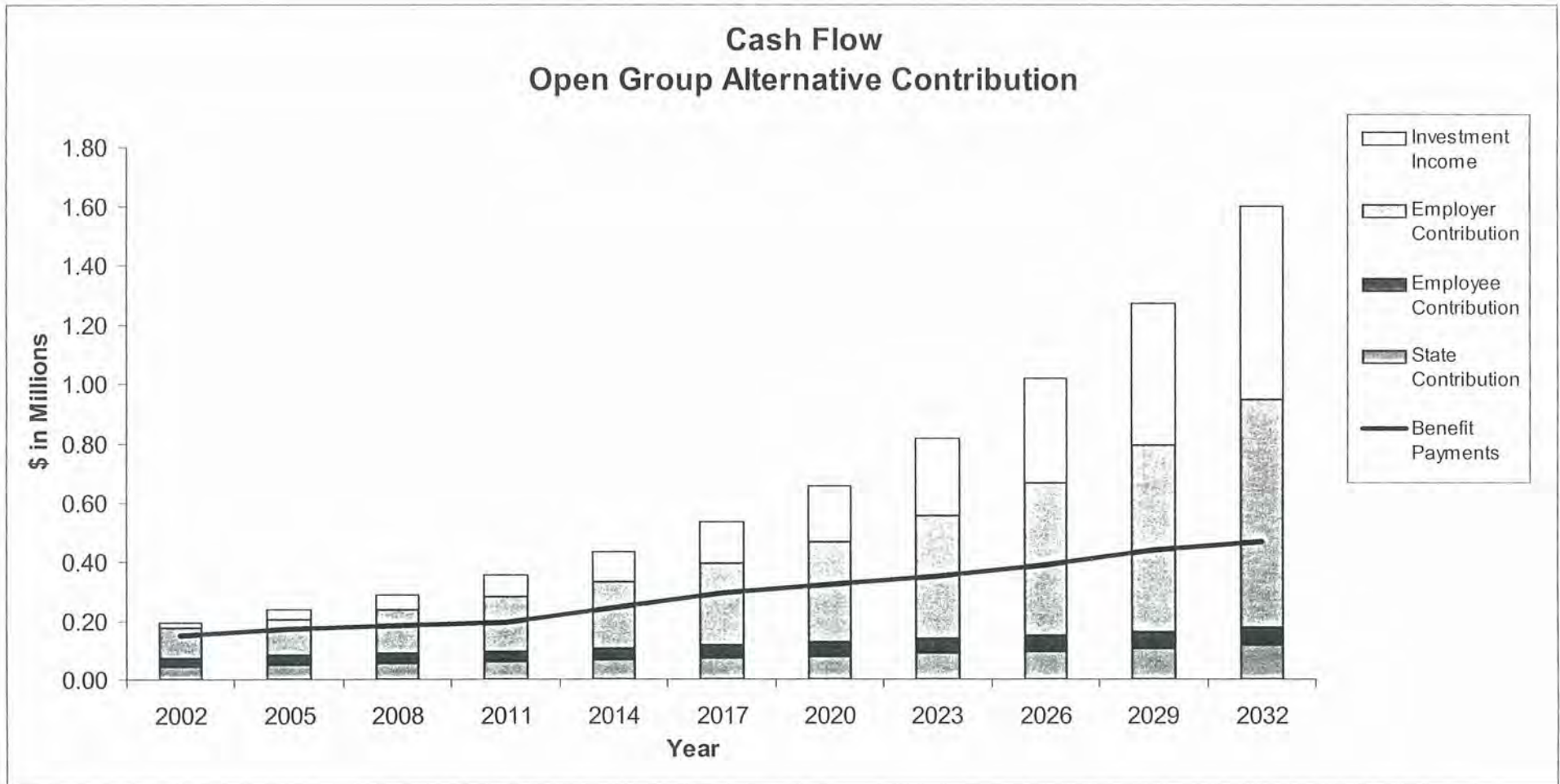
## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 4



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

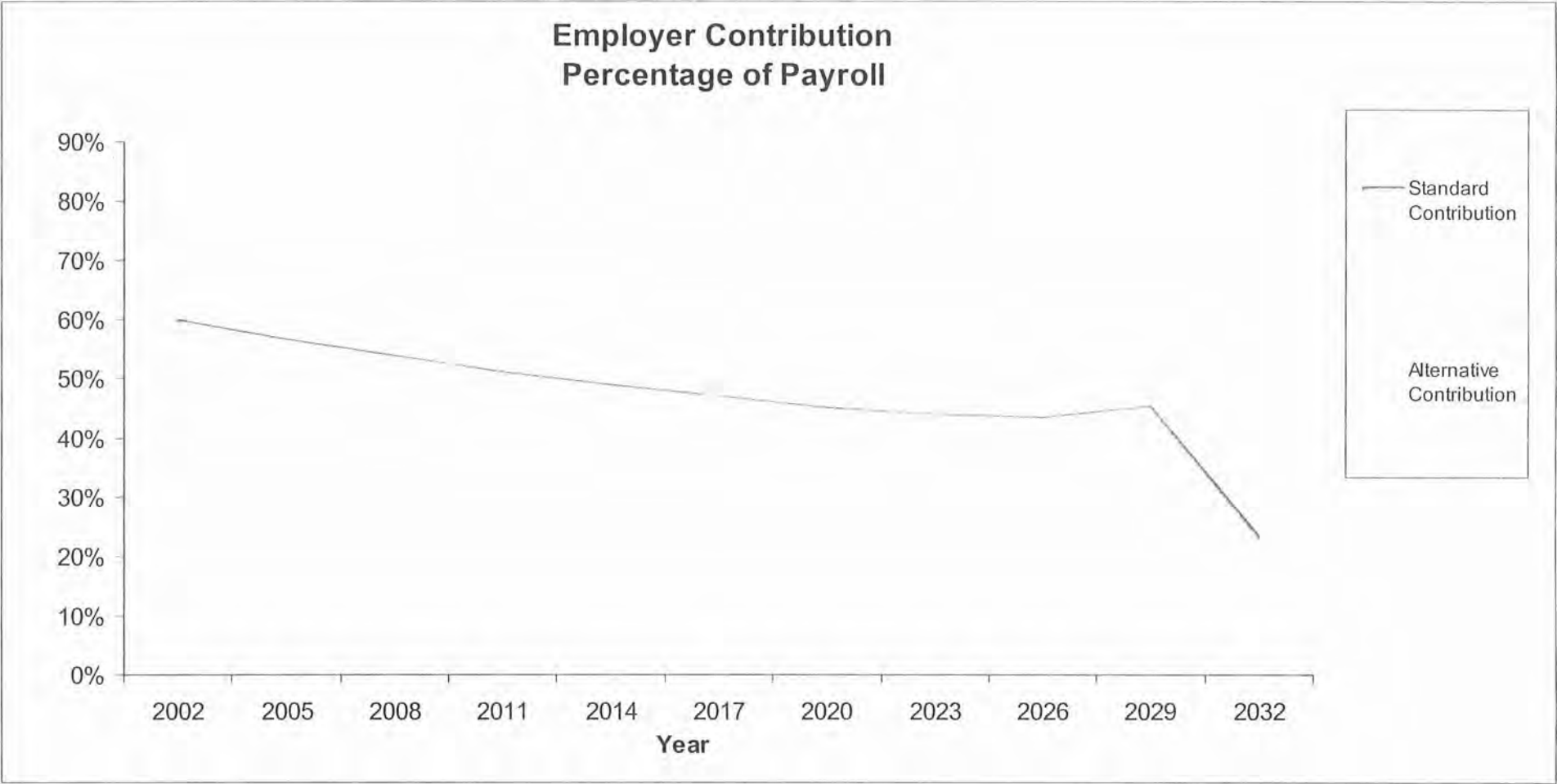
Graph 5





**City of Nitro Firemen's Pension and Relief Fund  
Actuarial Projections**

**Graph 6**



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

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### Projections of a Suggested Funding Policy

Under the currently available minimum funding options – alternative or standard – a significant level of contributions will be required either in the near term or in the future. Under the alternative method, the contribution rate will start at 27% in 2002 but will escalate to over 84% in 2032. Under the standard method, the contribution rate will start at 60% and is expected to decrease steadily and drop down to 23% in 2032. The standard method will certainly help improve the funded status of the plan but it does not appear to be a practical approach. The alternative method will cause the plan to continue to remain poorly funded.

We believe a funding policy that falls in between the alternative and standard policies may result in a more manageable contribution policy and at the same time improve the funded status of the plan. The suggested policy is based on the following principles:

- Initially, contribute an amount greater than the statutory minimum defined under the alternative minimum. One approach is to define a set of tiered contribution targets expressed as a percentage of payroll.
- In subsequent years, contribute the suggested tiered contribution rates until the standard contribution minimum level is reached. At that point, determine the level percentage of payroll contribution rate that produces a funded ratio of 100% by 2032.

In order for this approach to work, excess contributions over the alternative minimum will need to be made. For this plan, the following contribution rates, expressed as a percentage of pay, are projected to produce a funded ratio of 100% by 2032:

- 27% in 2002 increasing by 3 percentage points each year until 59% is reached in 2013;
- 59% from 2013 to 2030, after 2030 the standard contribution would apply; and
- 23% after 2031.

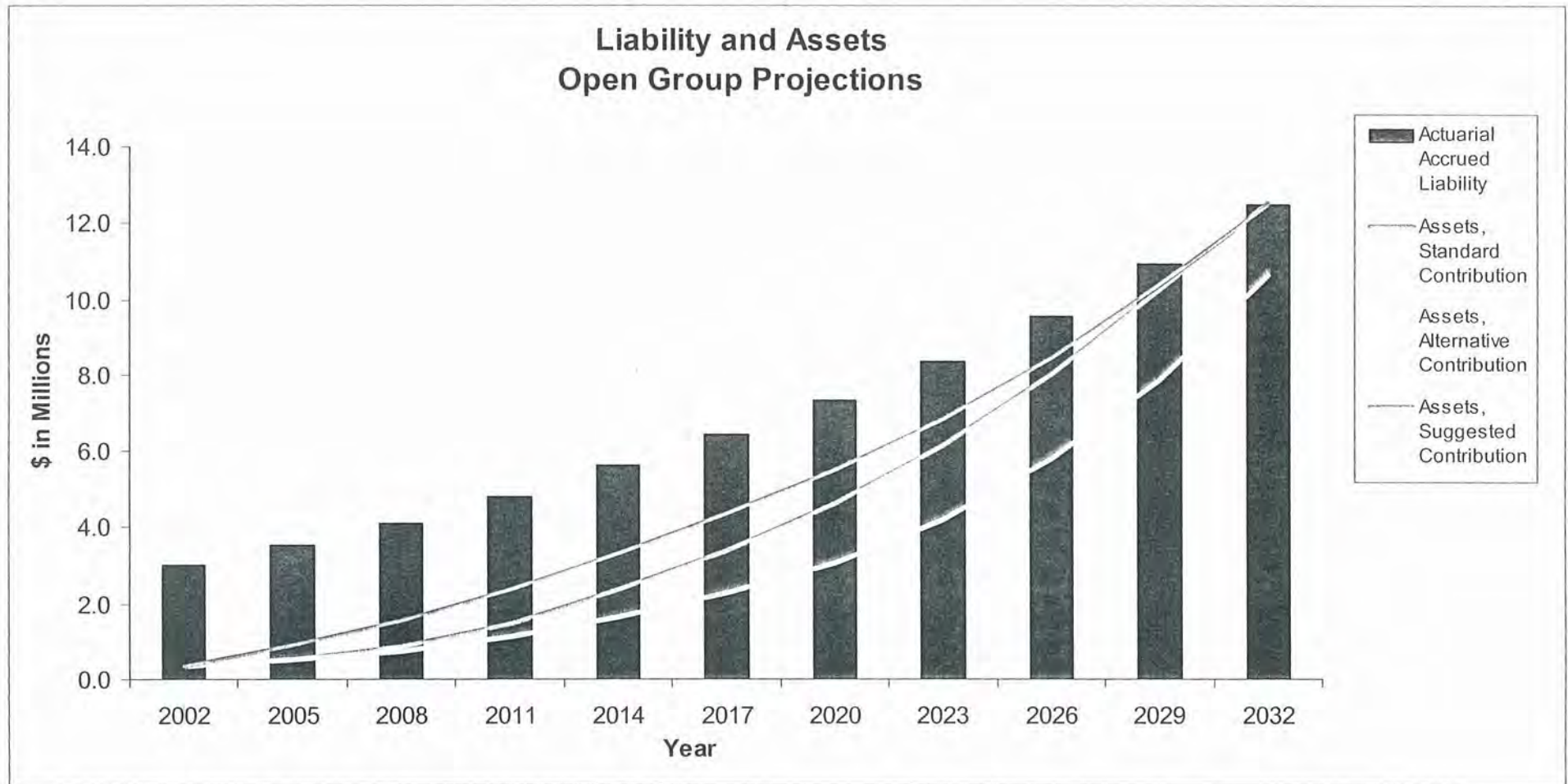
Graph 7 shows the effect of the suggested contribution policy compared to the current standard and alternative contribution policies. Under the suggested policy, assets are projected to grow to \$12,533,000 in 2032 which compares to \$12,481,000 under the standard policy and \$10,643,000 under the alternative method. Graph 8 shows a similar relationship in terms of the funded ratio. In the year 2032, the funded ratio is projected to be 100% under the suggested method which compares to 100% under the standard method and 85% under the alternative method. Graph 9 indicates that the suggested contribution will generate a significant level of investment income cash flow to pay benefits.

Graph 10 shows the contribution rates under the suggested, standard and alternative policies. Under the suggested policy, contribution rates will start at 27%, increase steadily to about 59% in 2013, remain level thereafter, and drop to 23% in 2032.



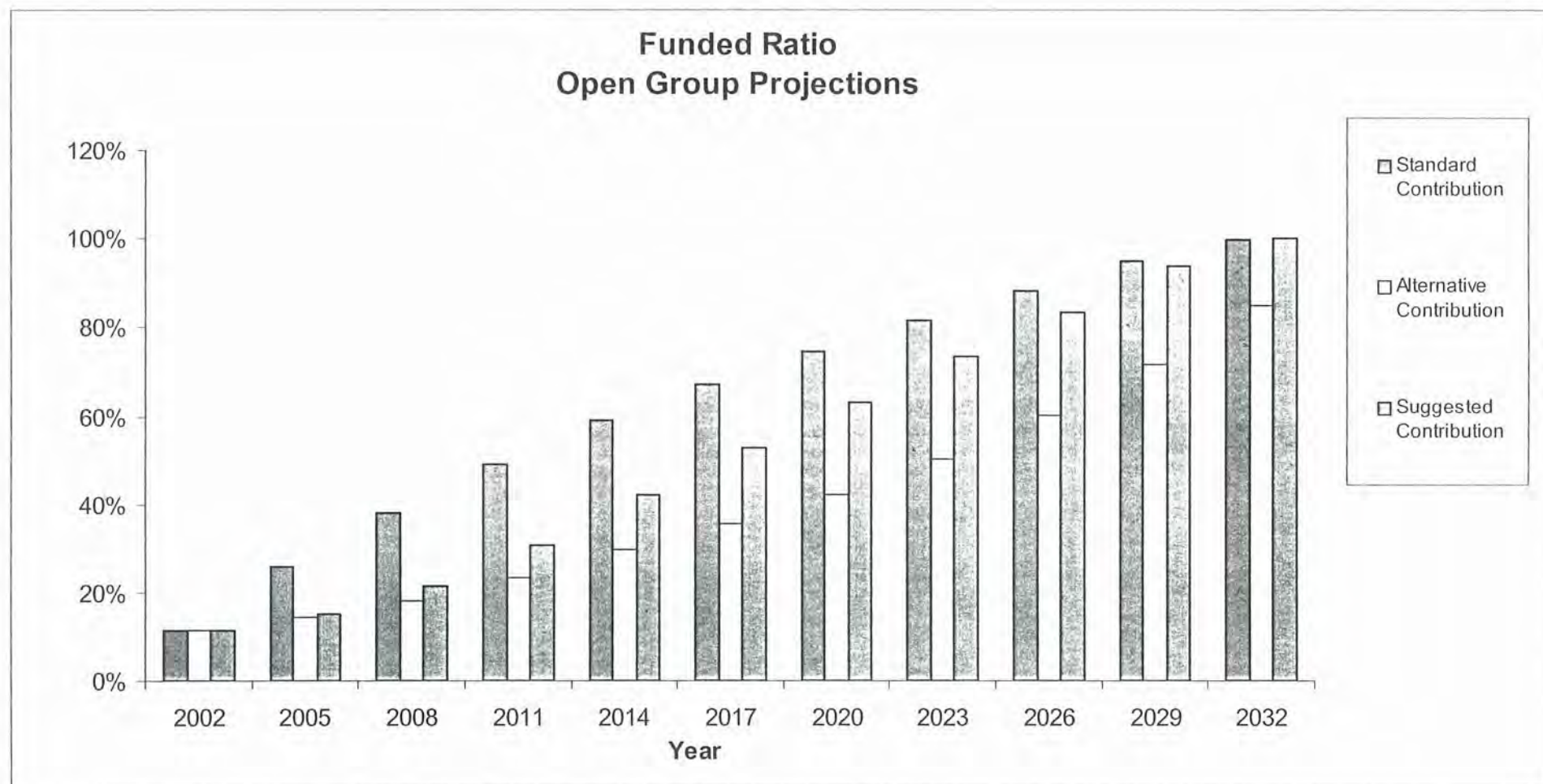
## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 7



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

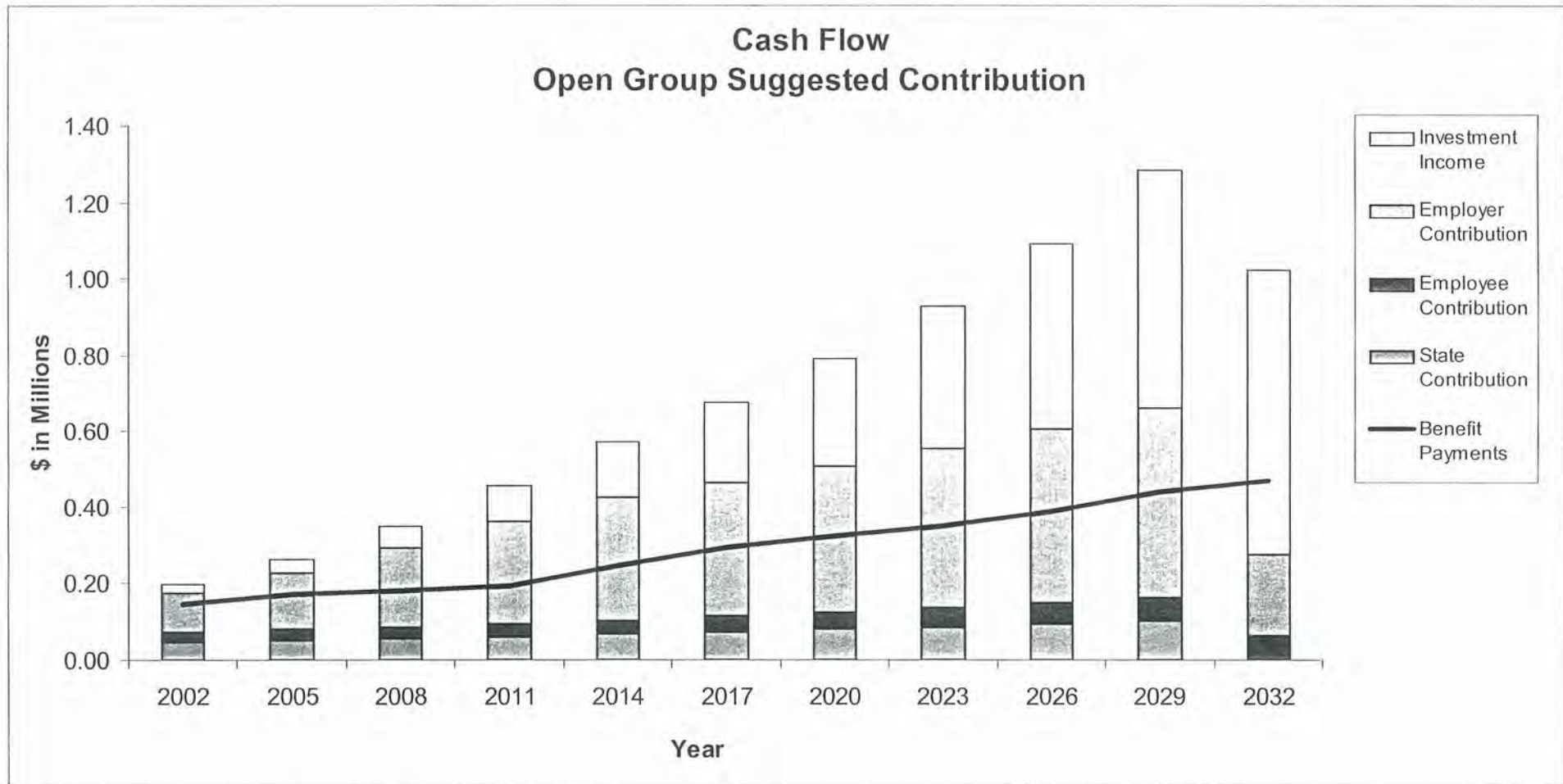
Graph 8





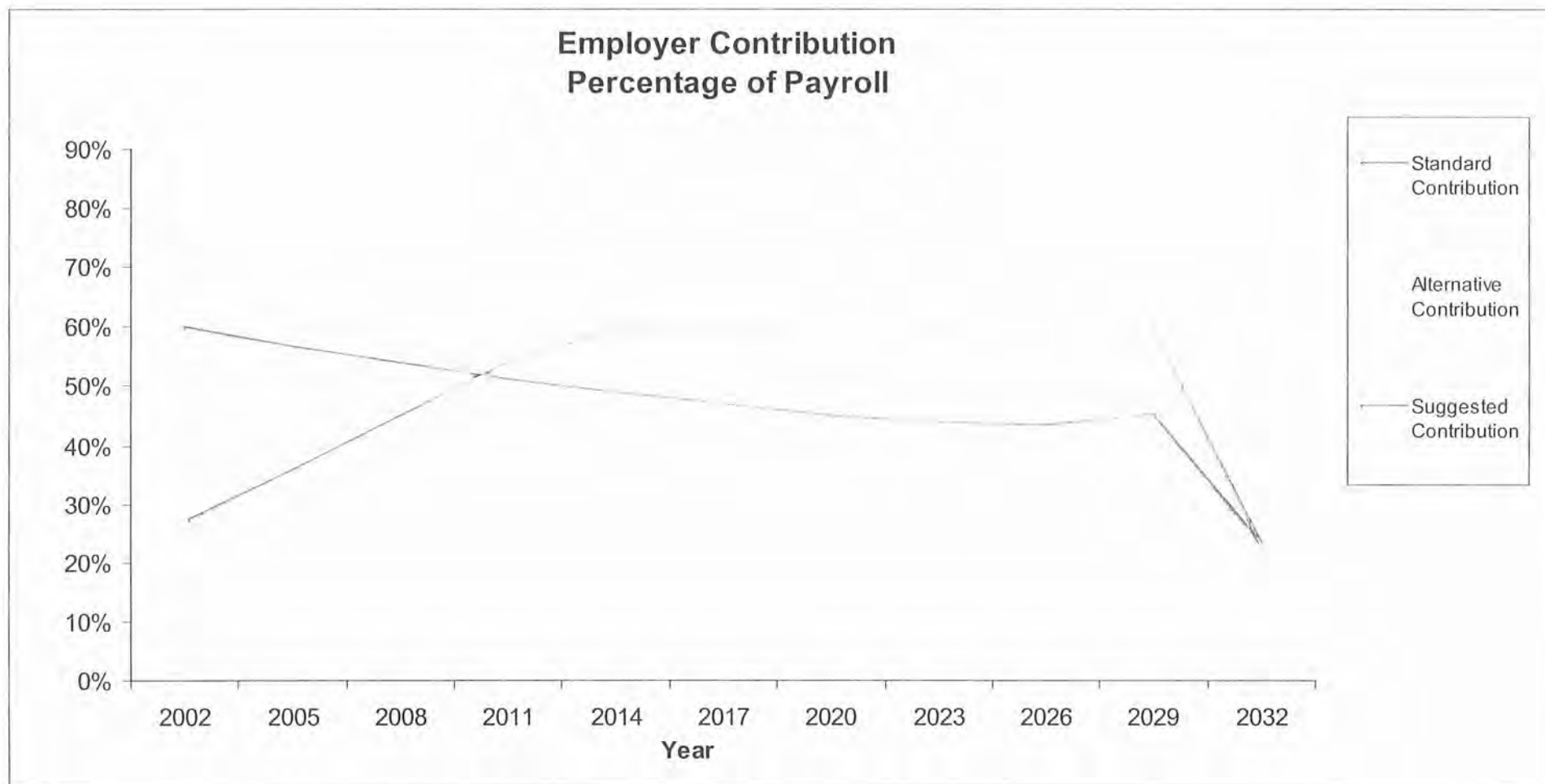
## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 9



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 10





## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

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### Closed-Group Projections

The closed-group projections assume the Plan will be frozen and newly hired employees will not be eligible to participate in the Plan. Because no new participants are entering the Plan, the average age of the covered active group will increase. Eventually, the covered group of active employees will retire and no active members will be left in the Plan. The amortization period will commence at 29 years in 2002 and will decline by one in each subsequent year until the amortization period reaches one year.

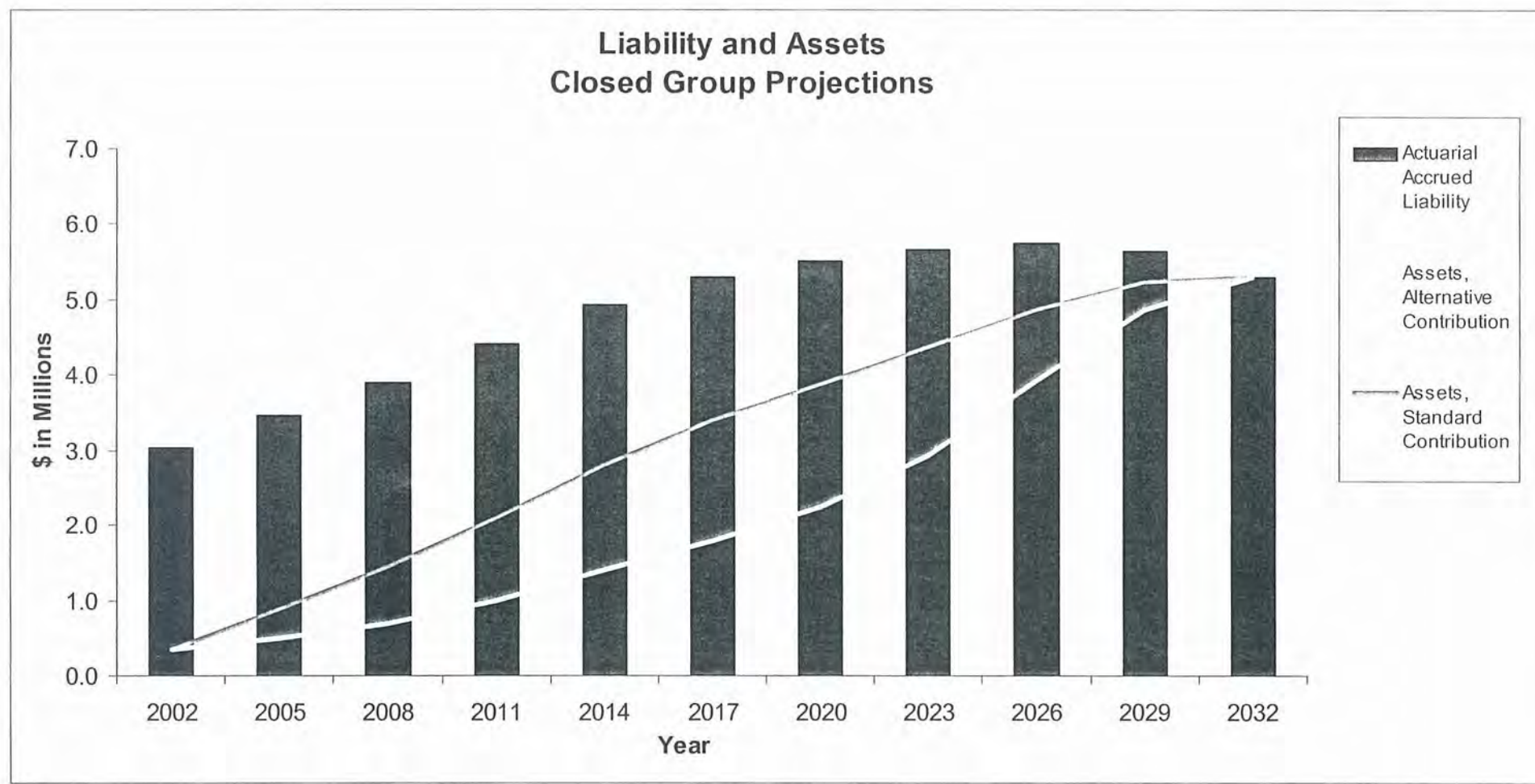
Graph 11 shows a 30-year closed-group projection of assets and liabilities under the standard and alternative funding policies. Assets under the alternative method are expected to grow at a slower rate when compared to the standard method. After 2027, the funded ratio under the alternative will exceed 75% and the standard method will be triggered. Under the standard contribution policy, assets are expected to equal liabilities in the year 2032. This is a direct consequence of the funding method. After the 29-year closed amortization period, the normal cost will approach zero and the standard contribution will equal the difference between assets and liabilities. Graph 12 shows a similar relationship expressed in terms of the funded ratio.

Graph 13 shows the expected cash flow under the standard contribution funding policy. In this case, employer contributions of approximately \$227,000 will be required in 2002. After 2002, contributions will decline steadily until 2032 when the principal and investment earnings in the fund will be sufficient to pay for future retiree benefits and no employer contributions will be needed.

Graph 14 shows the expected cash flow under the alternative contribution funding policy. In this case, employer contributions will increase significantly from \$101,000 in 2002 to \$514,000 in 2026, which is an increase of over 409%. Our projections assume the employer will make additional contributions to the extent necessary to ensure retiree benefits are paid.

## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

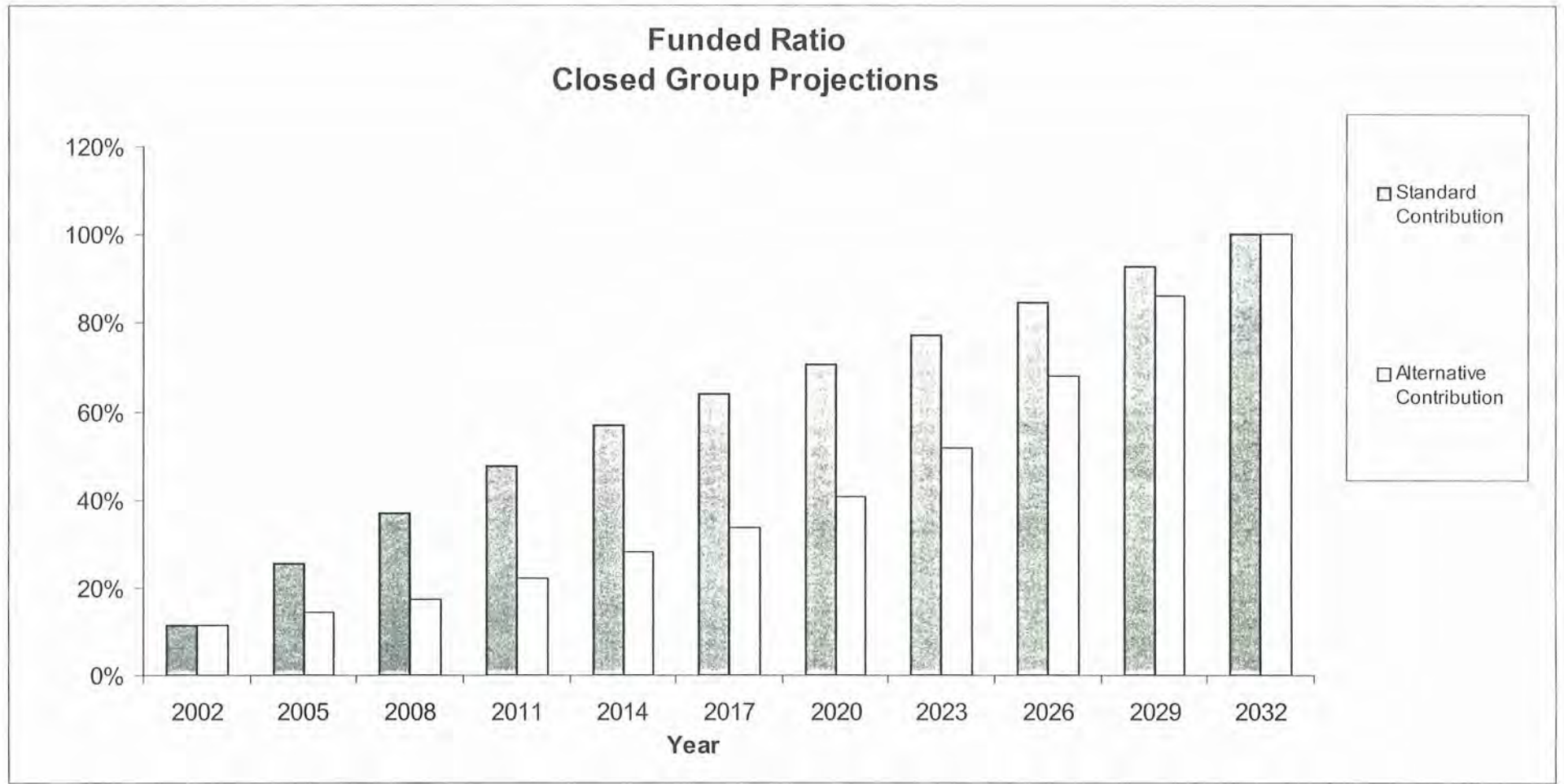
Graph 11





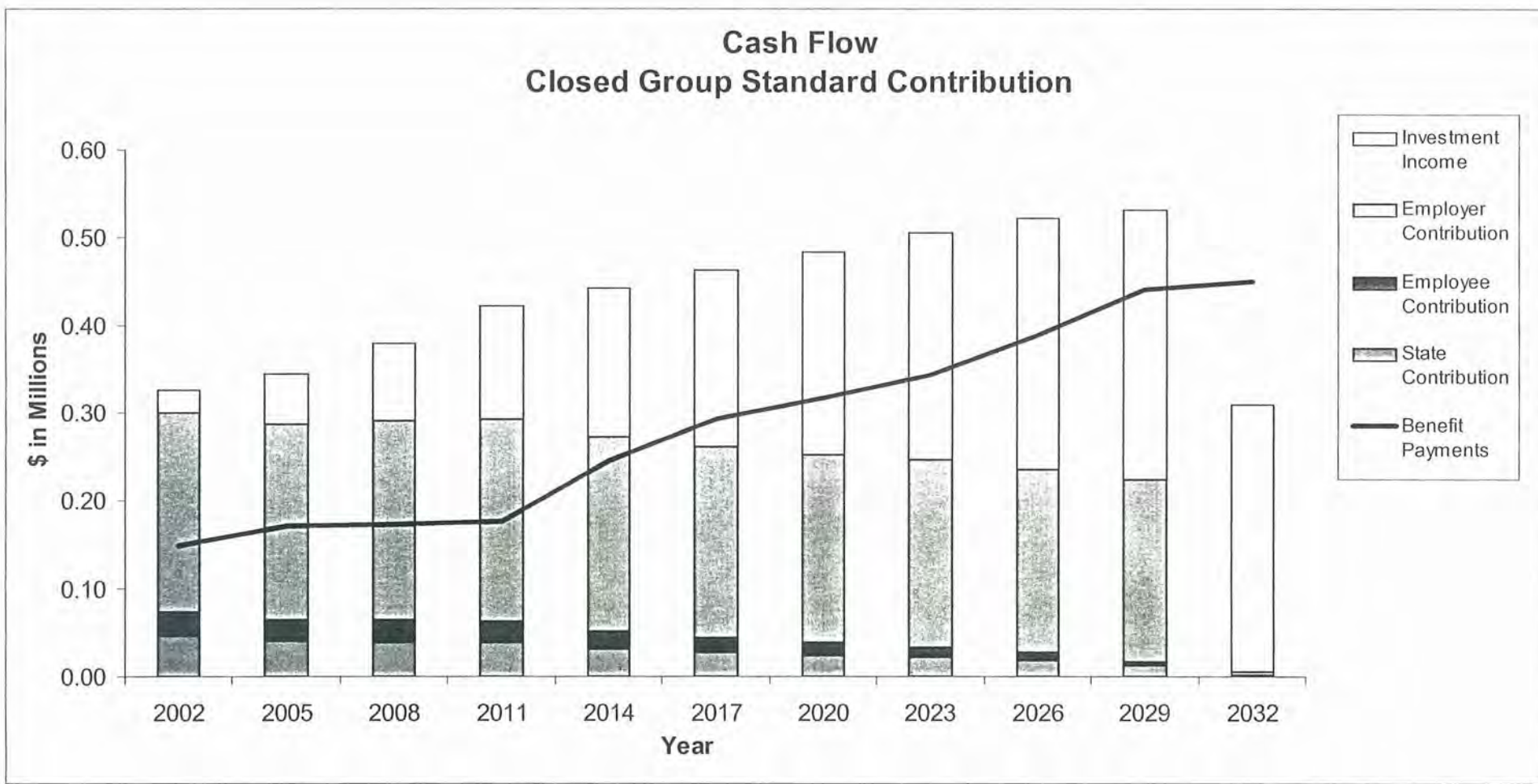
## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 12



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

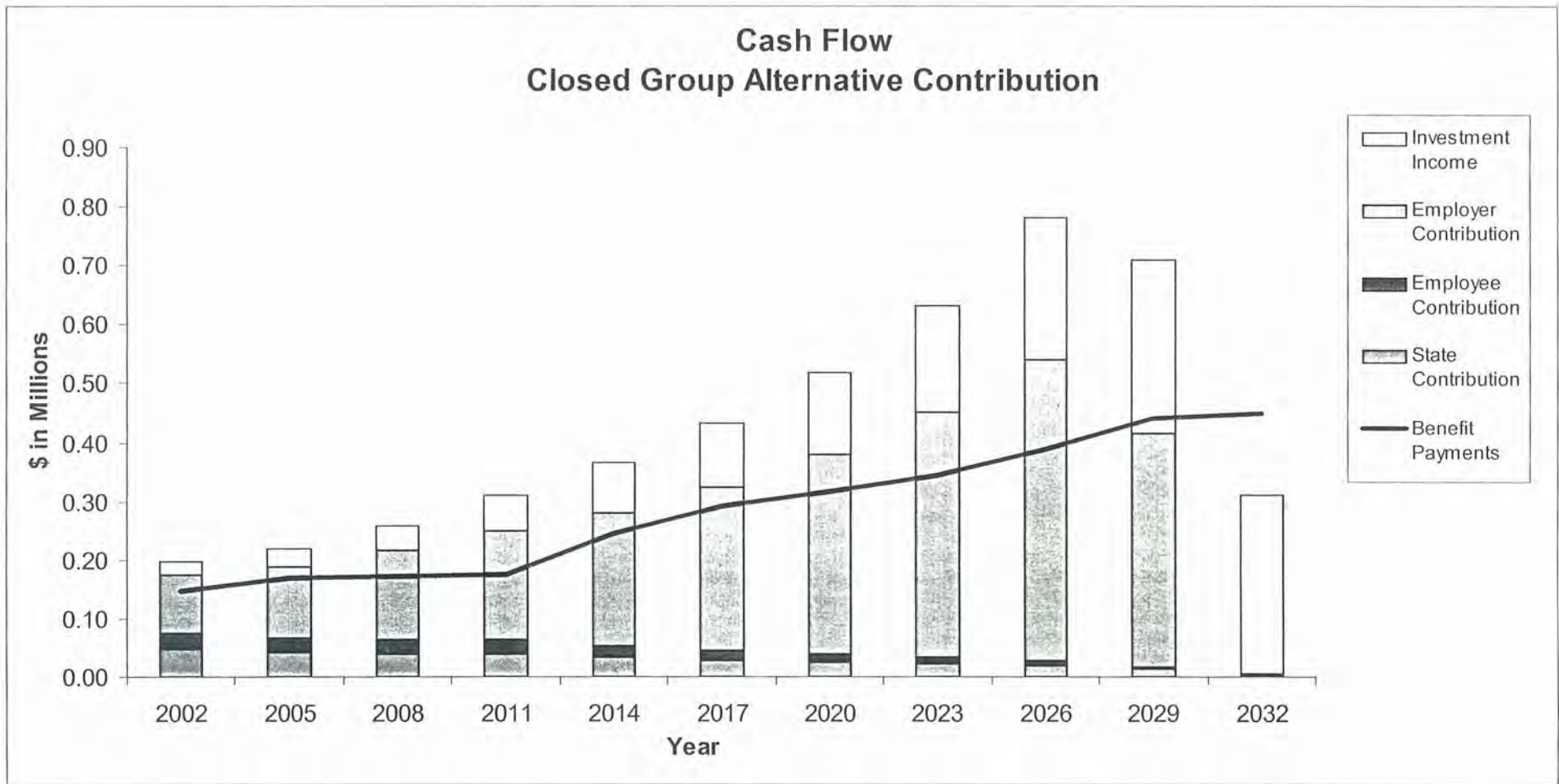
Graph 13





## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

Graph 14



## City of Nitro Firemen's Pension and Relief Fund Actuarial Projections

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### **Observations and Conclusions**

The City of Nitro Firemen's Pension and Relief Fund is financed using the alternative minimum funding method as defined in the West Virginia statutes. By definition, this method will force contributions to increase at rate of at least 7% per year. Initially, the increase in contributions when expressed in dollars appears to be manageable. However, after 30 years the contribution will grow to over 84% of compensation and the funded ratio is expected to be 85%.

The statutes also allow funding the Plan using the standard minimum method which is a more traditional actuarial approach. Contributions under this method, normal cost plus amortization of the unfunded actuarial liability, are initially 60% of compensation but will decline steadily and drop to 23% after 30 years. In this case, contributions in the short-term may be difficult for the City to finance.

We have suggested a contribution policy which falls in between the alternative and standard funding policies and produces a target funded ratio of 100% by 2032. Under the suggested policy, contribution rates will start at 27%, increase steadily to about 59% in 2013, remain level thereafter, and drop to 23% in 2032. This method could also be difficult for the City to finance but it does illustrate an approach that will help the Plan maintain a reasonable funded status after 30 years as indicated by the projected funded ratio of 100%.



## SECTION III

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Continuation

## City of Nitro Firemen's Pension and Relief Fund GASB Information

### Funding Program and Employer Contributions

### Schedule C

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Market Value of Assets	Market
Actuarial Cost Method	Entry Age Normal
Remaining Amortization Period	29 Years

#### Schedule of Funding Progress

Actuarial Valuation Date	July 1, 2002
1. Market Value of Assets	\$346,587
2. Actuarial Accrued Liability	\$3,032,890
3. Unfunded Actuarial Accrued Liability (2 - 1)	\$2,686,303
4. Funded Ratio (1/2)	11%
5. Covered Payroll	\$378,870
6. UAAL as Percentage of Covered Payroll (3/5)	709%

#### Schedule of Employer Contributions

1. Annual Required Contribution	
(a) Employer Normal Cost	\$87,053
(b) Amortization of Unfunded Actuarial Accrued Liability	\$186,469
(c) Annual Required Contribution (ARC) (a + b)	\$273,522
2. Employer Contribution	\$101,258
3. STO Contribution	\$46,995
4. Percentage of ARC Contributed [ (2 + 3)/1(c)]	54%



## City of Nitro Firemen's Pension and Relief Fund

### GASB Information

#### Annual Pension Cost and Contributions <sup>a</sup>

#### Schedule D

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Market Value of Assets	Market
Actuarial Cost Method	Entry Age Normal
Remaining Amortization Period	29 Years

#### Annual Pension Cost and Contributions

July 1, 2002

#### 1. Annual Pension Cost for FYE June 30, 2003

(a) Annual Required Contribution (ARC) for FYE June 30, 2003	\$273,522
(b) Interest on Net Pension Obligation (NPO) as of July 1, 2002 <sup>b</sup>	TBD
(c) Adjustment to ARC <sup>b</sup>	TBD
(d) Annual Pension Cost (a + b + c)	TBD

#### 2. Net Pension Obligation as of June 30, 2003

(a) NPO as of July 1, 2002 <sup>b</sup>	TBD
(b) Annual Pension Cost for FYE June 30, 2003	TBD
(c) Employer Contribution	\$101,258
(d) STO Contributions	\$46,995
(e) NPO as of June 30, 2003 (a + b - c - d) <sup>b</sup>	TBD

#### Pension Cost Summary

Fiscal Year End	June 30, 2003
1. Annual Pension Cost	TBD
2. Employer Contribution	\$101,258
3. STO Contribution	\$46,995
4. Percentage of Annual Pension Cost Contributed [ (2 + 3) / 1 ]	TBD
5. Net Pension Obligation (estimated)	TBD

<sup>a</sup> Employer minimum required contributions are defined according to the West Virginia Code. Employees contribute 7% of pay.

<sup>b</sup> NPO as of July 1, 2002 was not provided. (To be determined.)

## SECTION IV

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31st of July 1, 2002



**City of Nitro Firemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

**Reconciliation of Assets****Schedule E**

A. Market Value of Assets as of July 1, 2001	\$336,735
1. Revenue During Fiscal Year	
(a) Employee Contribution	\$25,352
(b) Governmental Contribution	
(i) From Local Government	\$94,634
(ii) From State Government	\$45,626
(iii) Total	\$140,260
(c) Earnings on Investments	
(i) Net Appreciation (Depreciation)	(\$23,018)
(ii) Bond Interest	\$15,218
(iii) Dividends	\$1,397
(iv) Net Realized Gain (Loss) on Sale or Exchange	\$5,600
(v) Other	\$0
(vi) Investment Expense	(\$3,803)
(vii) Total	(\$4,606)
(d) Other Revenue	\$0
(e) Receivable Contribution <sup>a</sup>	\$0
(f) Total Revenue ( sum of (a) through (e))	\$161,006
2. Expenditures During Fiscal Year	
(a) Benefits Paid	\$146,856
(b) Withdrawals	\$0
(c) Administrative Expenses	\$4,298
(d) Total Expenditures ( sum of (a) through (c))	\$151,154
B. Market Value of Assets as of June 30, 2002	
[A + 1(f) - 2(d)]	\$346,587

<sup>a</sup> Receivable contributions for plan year ending June 30, 2002.

**City of Nitro Firemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

**Assets Held by Category**

**Schedule F**

Market Value of Assets as of June 30, 2002		
1. Cash and Short-term Investments	\$12,568	4%
2. Government Securities		
(a) Treasury Notes and Bonds	\$60,583	
(b) State and Municipal Bonds	\$0	
(c) Total Government Securities	\$60,583	17%
3. Corporate Bonds		
(a) Bonds	\$10,340	
(b) Mortgage Backed Securities	\$112,015	
(c) Debentures	\$0	
(d) Mutual Fund Shares (Bonds)	\$0	
(e) Total Corporate Bonds	\$122,355	35%
4. Corporate Stocks		
(a) Stocks	\$102,037	
(b) Mutual Fund Shares (Stocks)	\$0	
(c) Total Corporate Stocks	\$102,037	29%
5. Other	\$3,418	1%
6. Receivable Contribution <sup>a</sup>	\$45,626	13%
Market Value of Assets as of June 30, 2002 [ sum of (1) through (6) ]	\$346,587	

<sup>a</sup> Receivable contributions for plan year ending June 30, 2002.



**City of Nitro Firemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

**Distribution of Active Employees by Age and Length of Service**

**Schedule G**

Attained Age	Years of Service to Valuation Date									Totals	Valuation Payroll
Less than 1	1-4	5-9	10-14	15-19	20-24	25-29	30-34	Over 35			
Under 20									0	\$	0
20-24	2								2		65,941
25-29	1	2							3		78,755
30-34			1						1		35,958
35-39				2	1	1			4		166,216
40-44									0		0
45-49									0		0
50-54						1			1		32,000
55-59									0		0
60-64									0		0
65-69									0		0
Over 70									0		0
Totals	3	2	1	2	1	2	0	0	0	11	\$ 378,870
<p><b>Averages</b> _____</p> <p>Age: 32.7 years</p> <p>Service: 9.1 years</p> <p>Annual Pay: \$34,443</p>											

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**City of Nitro Firemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

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**Inactive Participants****Schedule H**

Type	No.	Annual Benefit
Retirees	7	\$124,278.72
Surviving Spouses	1	\$6,328.32
Disabled Members	1	\$16,139.16
Deferred Vested Members	0	\$0.00



## SECTION V

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**City of Nitro Firemen's Pension and Relief Fund**  
**Actuarial Assumptions and Methods**  
**used in the Valuation as of July 1, 2002**

Discount Rate <sup>a</sup>	6.00%
General Inflation	3.0%
Expected Salary Increase	<p>General Inflation: 3.0% <i>plus</i></p> <p>Wage Inflation: 1.0% <i>plus</i></p> <p>Service Based Increase: 3.0% at 1 year of service graded down to 1.0% after 4 years of service</p>
Post-retirement COLA	Same as General Inflation
Increase in STO pension contribution derived from premium tax	3.0%
Cost Method	Entry-Age Normal Level Percentage of Pay
Asset Method	Market Value

<sup>a</sup> The discount rate was determined based on the funded ratio and equity exposure as of July 1, 2002 . As of July 1, 2002, the funded ratio using a discount rate of 7%, was 12.8% and the equity exposure was 29%. Given the funded ratio and the equity exposure, a discount rate of 6.00% is recommended.



**City of Nitro Firemen's Pension and Relief Fund**  
**Actuarial Assumptions and Methods**  
**used in the Valuation as of July 1, 2002**  
**(Cont'd)**

Turnover	Sample Rates –	
	<u>Age</u>	<u>Rates</u>
	25	6%
	35	4%
	45	2%
	50	0%
Retirement	<u>Age</u>	<u>Rates</u>
	50	50%
	51-54	20%
	55	100%
Mortality	Healthy : 1983 Group Annuity Mortality, set forward 2 years	
	Disabled: Healthy rates set forward 10 years	
Disability	Sample Rates –	
	<u>Age</u>	<u>Rates<sup>a</sup></u>
	30	0.2%
	40	1.0%
	50	2.0%
	<sup>a</sup> Assumes 75% duty related and 25% non-duty related.	
Percent Married	90%	
Spouse Age	Females 3 years younger than males	

## SECTION VI

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## City of Nitro Firemen's Pension and Relief Fund

### Summary of Principal Plan Provisions

### Actuarial Valuation as of July 1, 2002

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**Eligibility**—All compensated employees of the Fire Department are eligible to participate in the Firemen's Pension and Relief Fund

**Contributions** — Participating employees contribute 7% of compensation. The municipality has elected to contribute the minimum employer contribution under the alternative funding requirement.

**Average Annual Compensation** — Average annual compensation received during the three twelve-consecutive month periods of employment which produces the highest average.

**Normal Retirement**— Members are eligible at the earlier of age 50 with 20 years of service or age 65.

The annual retirement benefit equals 60% of average annual compensation, not less than \$6,000, plus an additional percentage of average annual compensation for service over 20 years equal to 2% for each year of service between 20 and 25 and 1% for each year of service between 25 and 30 years. Employees serving in the military are eligible for an additional 1% of average annual compensation for each year of military service up to four years. The maximum benefit is limited to 75% of average annual compensation. Benefits continue for life.

**Disability Retirement**— Members are eligible after earning five years of service. No service requirement if disability is service related.

The monthly disability benefit equals the greater of 60% of monthly salary at disability or \$500. Employees serving in the military are eligible for an additional benefit of 1% of monthly salary at disability for each year of military service up to 4 years. Disability benefits, when aggregated with monthly state workers compensation benefits, shall not exceed 100% of the member's monthly compensation at the time of disability. Benefits continue for life or until recovery.

**Death Benefits**— Members are eligible after earning five years of service. No service requirement if death is service related. Retirees and terminated vested participants are also eligible.

The benefit is equal to 60% of the participant's benefit, but not less than \$300 per month, payable to the spouse until death or remarriage. Other dependents (children, parents, brothers, and sisters) are also eligible for death benefits.

**Supplemental Pension Benefits**— All retirees, surviving beneficiaries and disability pensioners are eligible for automatic cost of living benefits commencing on the first day of July following two years of retirement. The benefits equals the percentage increase in the Consumer Price Index, limited to 4% ( 2% for some disability retirees), multiplied by the allowable amount which is the first \$15,000 of total annual benefit paid.

**Termination Benefits**—Any member who terminates employment prior to retirement will be entitled to a refund of contributions without interest.

## SECTION VII

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--- Selection Data



**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability		\$3,032,890	\$3,179,667	\$3,328,523	\$3,470,229	\$3,606,580	\$3,750,227	\$3,901,598	\$4,061,497
2. Market Value of Assets		\$346,587	\$395,194	\$447,700	\$499,724	\$549,821	\$610,263	\$682,308	\$767,520
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$2,686,303	\$2,784,473	\$2,880,823	\$2,970,505	\$3,056,759	\$3,139,964	\$3,219,290	\$3,293,977
4. Funded Ratio ( 2 / 1 )		11%	12%	13%	14%	15%	16%	17%	19%
5. Compensation		\$378,870	\$373,923	\$369,743	\$347,804	\$348,094	\$348,650	\$349,609	\$351,061
6. Employee Contributions		\$26,521	\$26,175	\$25,882	\$24,346	\$24,367	\$24,405	\$24,473	\$24,574
7. Gross Normal Cost		\$113,574	\$111,391	\$105,312	\$100,142	\$100,275	\$100,501	\$100,858	\$101,373
8. Net Employer Normal Cost ( 7-6 )		\$87,053	\$85,216	\$79,430	\$75,796	\$75,908	\$76,096	\$76,385	\$76,799
9. Amortization of UAAL		\$186,469	\$195,944	\$205,727	\$215,514	\$225,585	\$236,028	\$246,848	\$258,066
10. Estimated State Insurance Premium Tax Allocation		\$46,995	\$45,542	\$44,270	\$41,091	\$40,511	\$39,983	\$39,501	\$39,070
11. Net Employer Amortization (9-10, not less than zero)		\$139,474	\$150,402	\$161,457	\$174,423	\$185,074	\$196,045	\$207,347	\$218,996
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$101,258	\$108,346	\$115,930	\$124,045	\$132,729	\$142,020	\$151,961	\$162,598
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$101,258 27%	\$108,346 29%	\$115,930 31%	\$124,045 36%	\$132,729 38%	\$142,020 41%	\$151,961 43%	\$162,598 46%
16. Benefit Payments		\$147,761	\$152,096	\$161,643	\$169,947	\$170,942	\$171,996	\$172,933	\$173,760
17. Number of Active Members		11.0	10.3	9.6	8.5	8.1320	7.7	7.4	7.1
18. Number of Inactive Members		9.0	9.7	10.3	11.2	11.4820	11.7	11.8	11.9

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



## Appendix I

**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$4,230,646	\$4,409,910	\$4,600,239	\$4,787,340	\$4,941,073	\$5,068,638	\$5,193,832	\$5,302,629
2. Market Value of Assets	\$867,605	\$984,440	\$1,120,062	\$1,264,871	\$1,395,267	\$1,515,366	\$1,649,911	\$1,790,032
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$3,363,041	\$3,425,470	\$3,480,177	\$3,522,469	\$3,545,806	\$3,553,272	\$3,543,921	\$3,512,597
4. Funded Ratio ( 2 / 1 )	21%	22%	24%	26%	28%	30%	32%	34%
5. Compensation	\$353,149	\$355,880	\$359,266	\$337,573	\$288,213	\$278,793	\$271,511	\$241,927
6. Employee Contributions	\$24,720	\$24,912	\$25,149	\$23,630	\$20,175	\$19,516	\$19,006	\$16,935
7. Gross Normal Cost	\$102,076	\$102,970	\$100,748	\$90,276	\$80,959	\$78,392	\$73,392	\$66,931
8. Net Employer Normal Cost ( 7-6 )	\$77,356	\$78,058	\$75,599	\$66,646	\$60,784	\$58,876	\$54,386	\$49,996
9. Amortization of UAAL	\$269,692	\$281,743	\$294,242	\$306,909	\$319,272	\$331,702	\$344,238	\$356,512
10. Estimated State Insurance Premium Tax Allocation	\$38,699	\$38,386	\$38,130	\$36,118	\$32,062	\$31,032	\$30,191	\$27,801
11. Net Employer Amortization ( 9-10, not less than zero )	\$230,993	\$243,357	\$256,112	\$270,791	\$287,210	\$300,670	\$314,047	\$328,711
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )	NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%	\$173,980	\$186,159	\$199,190	\$213,133	\$228,052	\$244,016	\$261,097	\$279,374
14. Excess Employer Contribution to Cover Benefit Payments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution ( min of 12 and 13, plus 14 ) <sup>a</sup> ( % of Compensation )	\$173,980 49%	\$186,159 52%	\$199,190 55%	\$213,133 63%	\$228,052 79%	\$244,016 88%	\$261,097 96%	\$279,374 115%
16. Benefit Payments	\$174,480	\$175,099	\$187,091	\$219,943	\$244,951	\$252,193	\$270,348	\$291,944
17. Number of Active Members	6.8	6.5	6.2	5.6	4.7	4.4	4.1	3.5
18. Number of Inactive Members	12.0	12.0	12.0	12.3	13.0	13.1	13.1	13.4

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability		\$5,389,094	\$5,458,585	\$5,519,440	\$5,583,766	\$5,633,835	\$5,668,492	\$5,705,219	\$5,744,967
2. Market Value of Assets		\$1,930,550	\$2,081,071	\$2,249,700	\$2,451,017	\$2,675,060	\$2,920,711	\$3,209,358	\$3,546,196
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$3,458,544	\$3,377,514	\$3,269,740	\$3,132,749	\$2,958,775	\$2,747,781	\$2,495,861	\$2,198,771
4. Funded Ratio ( 2 / 1 )		36%	38%	41%	44%	47%	52%	56%	62%
5. Compensation		\$223,225	\$199,309	\$198,606	\$198,583	\$168,714	\$167,269	\$166,677	\$166,999
6. Employee Contributions		\$15,626	\$13,952	\$13,902	\$13,901	\$11,810	\$11,709	\$11,667	\$11,690
7. Gross Normal Cost		\$60,678	\$56,843	\$56,830	\$52,681	\$48,143	\$47,803	\$47,730	\$42,105
8. Net Employer Normal Cost ( 7-6 )		\$45,052	\$42,891	\$42,928	\$38,780	\$36,333	\$36,094	\$36,063	\$30,415
9. Amortization of UAAI		\$368,564	\$380,056	\$391,113	\$401,547	\$410,383	\$417,445	\$421,789	\$421,838
10. Estimated State Insurance Premium Tax Allocation		\$26,310	\$24,484	\$24,249	\$24,068	\$21,813	\$21,569	\$21,393	\$21,287
11. Net Employer Amortization (9-10, not less than zero)		\$342,254	\$355,572	\$366,864	\$377,479	\$388,570	\$395,876	\$400,396	\$400,551
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$298,930	\$319,855	\$342,245	\$366,202	\$391,837	\$419,265	\$448,614	\$480,017
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$298,930 134%	\$319,855 160%	\$342,245 172%	\$366,202 184%	\$391,837 232%	\$419,265 251%	\$448,614 269%	\$480,017 287%
16. Benefit Payments		\$307,174	\$315,784	\$315,966	\$329,400	\$342,758	\$342,394	\$341,540	\$360,908
17. Number of Active Members		3.2	2.8	2.6	2.5	2.1	2.0	1.9	1.8
18. Number of Inactive Members		13.6	13.7	13.6	13.5	13.7	13.5	13.4	13.2

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

## Appendix I

**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability	\$5,761,361	\$5,741,238	\$5,707,899	\$5,644,109	\$5,546,144	\$5,430,160	\$5,297,222
2. Market Value of Assets	\$3,915,550	\$4,307,682	\$4,590,250	\$4,865,595	\$5,133,464	\$5,417,703	\$5,296,945
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,845,811	\$1,433,556	\$1,117,649	\$778,514	\$412,680	\$12,457	\$277
4. Funded Ratio ( 2 / 1 )	68%	75%	80%	86%	93%	100%	100%
5. Compensation	\$127,681	\$107,344	\$102,608	\$61,676	\$51,434	\$27,378	\$20,646
6. Employee Contributions	\$8,938	\$7,514	\$7,183	\$4,317	\$3,600	\$1,916	\$1,445
7. Gross Normal Cost	\$33,134	\$29,166	\$22,953	\$15,903	\$11,040	\$6,534	\$5,054
8. Net Employer Normal Cost ( 7-6 )	\$24,196	\$21,652	\$15,770	\$11,586	\$7,440	\$4,618	\$3,609
9. Amortization of UAAL	\$413,386	\$390,294	\$394,456	\$400,594	\$412,680	\$12,457	\$277
10. Estimated State Insurance Premium Tax Allocation	\$18,485	\$16,112	\$15,579	\$12,667	\$11,886	\$10,293	\$277
11. Net Employer Amortization (9-10, not less than zero)	\$394,901	\$374,182	\$378,877	\$387,927	\$400,794	\$2,164	\$0
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )	NA	\$395,834	\$394,647	\$399,513	\$408,234	\$6,782	\$3,609
13. Prior Year Alternative Contribution x 107%	\$513,618	\$549,571	\$423,542	\$422,273	\$427,479	\$436,811	\$7,256
14. Excess Employer Contribution to Cover Benefit Payments	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )	\$513,618 402%	\$395,834 369%	\$394,647 385%	\$399,513 648%	\$408,234 794%	\$6,782 25%	\$3,609 17%
16. Benefit Payments	\$388,356	\$396,045	\$417,477	\$439,873	\$446,807	\$452,010	\$449,465
17. Number of Active Members	1.4	1.0	0.9	0.6	0.4	0.2	0.1
18. Number of Inactive Members	13.4	13.4	13.3	13.4	13.2	13.1	12.9

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability		\$3,032,890	\$3,191,824	\$3,359,704	\$3,534,738	\$3,712,912	\$3,902,508	\$4,104,270	\$4,318,985
2. Market Value of Assets		\$346,587	\$395,194	\$451,822	\$512,165	\$578,344	\$656,415	\$747,723	\$853,736
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$2,686,303	\$2,796,630	\$2,907,882	\$3,022,573	\$3,134,568	\$3,246,093	\$3,356,547	\$3,465,249
4. Funded Ratio ( 2 /1 )		11%	12%	13%	14%	16%	17%	18%	20%
5. Compensation		\$378,870	\$390,236	\$401,943	\$414,001	\$426,421	\$439,214	\$452,390	\$465,962
6. Employee Contributions		\$26,521	\$27,317	\$28,136	\$28,980	\$29,849	\$30,745	\$31,667	\$32,617
7. Gross Normal Cost		\$113,574	\$116,981	\$120,491	\$124,105	\$127,829	\$131,663	\$135,613	\$139,682
8. Net Employer Normal Cost ( 7-6 )		\$87,053	\$89,664	\$92,355	\$95,125	\$97,980	\$100,918	\$103,946	\$107,065
9. Amortization of UAAL		\$186,469	\$196,800	\$207,659	\$219,292	\$231,327	\$244,005	\$257,373	\$271,485
10. Estimated State Insurance Premium Tax Allocation		\$46,995	\$48,405	\$49,857	\$51,352	\$52,893	\$54,480	\$56,114	\$57,798
11. Net Employer Amortization (9-10, not less than zero)		\$139,474	\$148,395	\$157,802	\$167,940	\$178,434	\$189,525	\$201,259	\$213,687
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$101,258	\$108,346	\$115,930	\$124,045	\$132,729	\$142,020	\$151,961	\$162,598
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$101,258 27%	\$108,346 28%	\$115,930 29%	\$124,045 30%	\$132,729 31%	\$142,020 32%	\$151,961 34%	\$162,598 35%
16. Benefit Payments		\$147,761	\$152,096	\$161,643	\$169,947	\$173,346	\$176,812	\$180,349	\$183,956
17. Number of Active Members		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
18. Number of Inactive Members		9.0	9.7	10.3	11.2	11.5	11.7	11.8	11.9

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

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## Appendix II

**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$4,547,495	\$4,790,690	\$5,049,519	\$5,324,989	\$5,598,392	\$5,866,154	\$6,148,048	\$6,433,850
2. Market Value of Assets	\$976,059	\$1,116,445	\$1,276,805	\$1,459,225	\$1,644,539	\$1,833,727	\$2,046,484	\$2,274,235
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$3,571,436	\$3,674,245	\$3,772,714	\$3,865,764	\$3,953,853	\$4,032,427	\$4,101,564	\$4,159,615
4. Funded Ratio ( 2 / 1 )	21%	23%	25%	27%	29%	31%	33%	35%
5. Compensation	\$479,941	\$494,339	\$509,169	\$524,444	\$540,178	\$556,383	\$573,074	\$590,267
6. Employee Contributions	\$33,596	\$34,604	\$35,642	\$36,711	\$37,812	\$38,947	\$40,115	\$41,319
7. Gross Normal Cost	\$143,872	\$148,188	\$152,634	\$157,213	\$161,929	\$166,787	\$171,791	\$176,945
8. Net Employer Normal Cost ( 7-6 )	\$110,276	\$113,584	\$116,992	\$120,502	\$124,117	\$127,840	\$131,676	\$135,626
9. Amortization of UAAI	\$286,404	\$302,205	\$318,975	\$336,819	\$356,014	\$376,431	\$398,404	\$422,181
10. Estimated State Insurance Premium Tax Allocation	\$59,531	\$61,317	\$63,157	\$65,052	\$67,003	\$69,013	\$71,084	\$73,216
11. Net Employer Amortization (9-10, not less than zero)	\$226,873	\$240,888	\$255,818	\$271,767	\$289,011	\$307,418	\$327,320	\$348,965
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )	NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%	\$173,980	\$186,159	\$199,190	\$213,133	\$228,052	\$244,016	\$261,097	\$279,374
14. Excess Employer Contribution to Cover Benefit Payments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )	\$173,980 36%	\$186,159 38%	\$199,190 39%	\$213,133 41%	\$228,052 42%	\$244,016 44%	\$261,097 46%	\$279,374 47%
16. Benefit Payments	\$187,635	\$191,388	\$195,215	\$219,943	\$244,951	\$252,193	\$270,348	\$291,944
17. Number of Active Members	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
18. Number of Inactive Members	12.0	12.0	12.0	12.3	13.0	13.1	13.1	13.4

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability	\$6,720,424	\$7,014,546	\$7,323,665	\$7,651,230	\$7,997,525	\$8,357,637	\$8,739,292	\$9,143,851
2. Market Value of Assets	\$2,515,668	\$2,779,579	\$3,075,648	\$3,409,783	\$3,784,982	\$4,199,314	\$4,663,788	\$5,183,372
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$4,204,756	\$4,234,967	\$4,248,017	\$4,241,447	\$4,212,543	\$4,158,323	\$4,075,504	\$3,960,479
4. Funded Ratio ( 2 / 1 )	37%	40%	42%	45%	47%	50%	53%	57%
5. Compensation	\$607,975	\$626,214	\$645,000	\$664,350	\$684,281	\$704,809	\$725,954	\$747,732
6. Employee Contributions	\$42,558	\$43,835	\$45,150	\$46,505	\$47,900	\$49,337	\$50,817	\$52,341
7. Gross Normal Cost	\$182,253	\$187,721	\$193,352	\$199,153	\$205,127	\$211,281	\$217,620	\$224,148
8. Net Employer Normal Cost ( 7-6 )	\$139,695	\$143,886	\$148,202	\$152,648	\$157,227	\$161,944	\$166,803	\$171,807
9. Amortization of UAAL	\$448,085	\$476,542	\$508,131	\$543,657	\$584,281	\$631,735	\$688,741	\$759,824
10. Estimated State Insurance Premium Tax Allocation	\$75,413	\$77,675	\$80,005	\$82,405	\$84,878	\$87,424	\$90,047	\$92,748
11. Net Employer Amortization (9-10, not less than zero)	\$372,672	\$398,867	\$428,126	\$461,252	\$499,403	\$544,311	\$598,694	\$667,076
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)	NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%	\$298,930	\$319,855	\$342,245	\$366,202	\$391,837	\$419,265	\$448,614	\$480,017
14. Excess Employer Contribution to Cover Benefit Payments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )	\$298,930 49%	\$319,855 51%	\$342,245 53%	\$366,202 55%	\$391,837 57%	\$419,265 59%	\$448,614 62%	\$480,017 64%
16. Benefit Payments	\$307,174	\$315,784	\$322,100	\$329,400	\$342,758	\$349,613	\$356,605	\$363,737
17. Number of Active Members	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
18. Number of Inactive Members	13.6	13.7	13.7	13.7	13.7	13.7	13.7	13.7

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

## Appendix II

**City of Nitro Firemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability		\$9,572,762	\$10,009,704	\$10,472,738	\$10,949,678	\$11,440,528	\$11,960,374	\$12,511,032
2. Market Value of Assets		\$5,763,470	\$6,392,103	\$7,092,089	\$7,856,451	\$8,690,894	\$9,616,736	\$10,642,605
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$3,809,292	\$3,617,601	\$3,380,649	\$3,093,227	\$2,749,634	\$2,343,638	\$1,868,427
4. Funded Ratio ( 2 / 1 )		60%	64%	68%	72%	76%	80%	85%
5. Compensation		\$770,164	\$793,269	\$817,067	\$841,579	\$866,827	\$892,831	\$919,616
6. Employee Contributions		\$53,911	\$55,529	\$57,195	\$58,911	\$60,678	\$62,498	\$64,373
7. Gross Normal Cost		\$230,873	\$237,799	\$244,933	\$252,281	\$259,849	\$267,645	\$275,674
8. Net Employer Normal Cost ( 7-6 )		\$176,962	\$182,270	\$187,738	\$193,370	\$199,171	\$205,147	\$211,301
9. Amortization of UAAL		\$853,125	\$984,914	\$1,193,145	\$1,591,661	\$2,749,634	\$2,343,638	\$1,868,427
10. Estimated State Insurance Premium Tax Allocation		\$95,530	\$98,396	\$101,348	\$104,389	\$107,520	\$110,746	\$114,068
11. Net Employer Amortization (9-10, not less than zero)		\$757,595	\$886,518	\$1,091,797	\$1,487,272	\$2,642,114	\$2,232,892	\$1,754,359
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)		NA	NA	NA	NA	\$2,841,285	\$2,438,039	\$1,965,660
13. Prior Year Alternative Contribution x 107%		\$513,618	\$549,571	\$588,041	\$629,204	\$673,248	\$720,375	\$770,802
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$513,618 67%	\$549,571 69%	\$588,041 72%	\$629,204 75%	\$673,248 78%	\$720,375 81%	\$770,802 84%
16. Benefit Payments		\$388,356	\$396,123	\$417,477	\$439,873	\$448,670	\$457,644	\$466,797
17. Number of Active Members		11.0	11.0	11.0	11.0	11.0	11.0	11.0
18. Number of Inactive Members		13.7	13.7	13.7	13.7	13.7	13.7	13.7

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



# City of Nitro Firemen's Pension Fund Standard Minimum Contribution – Closed Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability	\$3,032,890	\$3,179,667	\$3,328,523	\$3,470,229	\$3,606,580	\$3,750,227	\$3,901,598	\$4,061,497
2. Market Value of Assets	\$346,587	\$524,167	\$706,101	\$883,281	\$1,057,644	\$1,242,016	\$1,437,041	\$1,643,622
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$2,686,303	\$2,655,500	\$2,622,422	\$2,586,948	\$2,548,936	\$2,508,211	\$2,464,557	\$2,417,875
4. Funded Ratio (2 /1)	11%	16%	21%	25%	29%	33%	37%	40%
5. Compensation	\$378,870	\$373,923	\$369,743	\$347,804	\$348,094	\$348,650	\$349,609	\$351,061
6. Employee Contributions	\$26,521	\$26,175	\$25,882	\$24,346	\$24,367	\$24,405	\$24,473	\$24,574
7. Gross Normal Cost	\$113,574	\$111,391	\$105,312	\$100,142	\$100,275	\$100,501	\$100,858	\$101,373
8. Net Employer Normal Cost ( 7-6 )	\$87,053	\$85,216	\$79,430	\$75,796	\$75,908	\$76,096	\$76,385	\$76,799
9. Amortization of UAAL	\$186,469	\$186,868	\$187,274	\$187,686	\$188,108	\$188,539	\$188,977	\$189,428
10. Estimated State Insurance Premium Tax Allocation	\$46,995	\$45,542	\$44,270	\$41,091	\$40,511	\$39,983	\$39,501	\$39,070
11. Net Employer Amortization (9-10, not less than zero)	\$139,474	\$141,326	\$143,004	\$146,595	\$147,597	\$148,556	\$149,476	\$150,358
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$226,527 60%	\$226,542 61%	\$222,434 60%	\$222,391 64%	\$223,505 64%	\$224,652 64%	\$225,861 65%	\$227,157 65%
13. Benefit Payments	\$147,761	\$152,096	\$161,643	\$169,947	\$170,942	\$171,996	\$172,933	\$173,760
14. Number of Active Members	11.0	10.3	9.6	8.5	8.1	7.7	7.4	7.1
15. Number of Inactive Members	9.0	9.7	10.3	11.2	11.5	11.7	11.8	11.9

## Appendix III

# City of Nitro Firemen's Pension Fund

## Standard Minimum Contribution – Closed Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$4,230,646	\$4,409,910	\$4,600,239	\$4,787,340	\$4,941,073	\$5,068,638	\$5,193,832	\$5,302,629
2. Market Value of Assets	\$1,862,741	\$2,095,464	\$2,342,920	\$2,591,094	\$2,810,073	\$3,007,390	\$3,207,003	\$3,395,340
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$2,367,905	\$2,314,446	\$2,257,319	\$2,196,246	\$2,131,000	\$2,061,248	\$1,986,829	\$1,907,289
4. Funded Ratio ( 2 /1 )	44%	48%	51%	54%	57%	59%	62%	64%
5. Compensation	\$353,149	\$355,880	\$359,266	\$337,573	\$288,213	\$278,793	\$271,511	\$241,927
6. Employee Contributions	\$24,720	\$24,912	\$25,149	\$23,630	\$20,175	\$19,516	\$19,006	\$16,935
7. Gross Normal Cost	\$102,076	\$102,970	\$100,748	\$90,276	\$80,959	\$78,392	\$73,392	\$66,931
8. Net Employer Normal Cost ( 7-6 )	\$77,356	\$78,058	\$75,599	\$66,646	\$60,784	\$58,876	\$54,386	\$49,996
9. Amortization of UAAL	\$189,889	\$190,362	\$190,852	\$191,356	\$191,880	\$192,420	\$192,990	\$193,581
10. Estimated State Insurance Premium Tax Allocation	\$38,699	\$38,386	\$38,130	\$36,118	\$32,062	\$31,032	\$30,191	\$27,801
11. Net Employer Amortization (9-10, not less than zero)	\$151,190	\$151,976	\$152,722	\$155,238	\$159,818	\$161,388	\$162,799	\$165,780
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$228,546 65%	\$230,034 65%	\$228,321 64%	\$221,884 66%	\$220,602 77%	\$220,264 79%	\$217,185 80%	\$215,776 89%
13. Benefit Payments	\$174,480	\$175,099	\$187,091	\$219,943	\$244,951	\$252,193	\$270,348	\$291,944
14. Number of Active Members	6.8	6.5	6.2	5.6	4.7	4.4	4.1	3.5
15. Number of Inactive Members	12.0	12.0	12.0	12.3	13.0	13.1	13.1	13.4



**City of Nitro Firemen's Pension Fund**  
**Standard Minimum Contribution – Closed Group**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability	\$5,389,094	\$5,458,585	\$5,519,440	\$5,583,766	\$5,633,835	\$5,668,492	\$5,705,219	\$5,744,967
2. Market Value of Assets	\$3,566,699	\$3,726,865	\$3,884,505	\$4,052,124	\$4,212,478	\$4,364,873	\$4,527,367	\$4,701,449
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,822,395	\$1,731,720	\$1,634,935	\$1,531,642	\$1,421,357	\$1,303,619	\$1,177,852	\$1,043,518
4. Funded Ratio ( 2 / 1 )	66%	68%	70%	73%	75%	77%	79%	82%
5. Compensation	\$223,225	\$199,309	\$198,606	\$198,583	\$168,714	\$167,269	\$166,677	\$166,999
6. Employee Contributions	\$15,626	\$13,952	\$13,902	\$13,901	\$11,810	\$11,709	\$11,667	\$11,690
7. Gross Normal Cost	\$60,678	\$56,843	\$56,830	\$52,681	\$48,143	\$47,803	\$47,730	\$42,105
8. Net Employer Normal Cost ( 7-6 )	\$45,052	\$42,891	\$42,928	\$38,780	\$36,333	\$36,094	\$36,063	\$30,415
9. Amortization of UAAL	\$194,206	\$194,863	\$195,564	\$196,322	\$197,143	\$198,047	\$199,051	\$200,200
10. Estimated State Insurance Premium Tax Allocation	\$26,310	\$24,484	\$24,249	\$24,068	\$21,813	\$21,569	\$21,393	\$21,287
11. Net Employer Amortization (9-10, not less than zero)	\$167,896	\$170,379	\$171,315	\$172,254	\$175,330	\$176,478	\$177,658	\$178,913
12. Standard Minimum Employer Contribution (8+11)	\$212,948	\$213,270	\$214,243	\$211,034	\$211,663	\$212,572	\$213,721	\$209,328
( % of Compensation )	95%	107%	108%	106%	125%	127%	128%	125%
13. Benefit Payments	\$307,174	\$315,784	\$315,966	\$329,400	\$342,758	\$342,394	\$341,540	\$360,908
14. Number of Active Members	3.2	2.8	2.6	2.5	2.1	2.0	1.9	1.8
15. Number of Inactive Members	13.6	13.7	13.6	13.5	13.7	13.5	13.4	13.2

## Appendix III

# City of Nitro Firemen's Pension Fund Standard Minimum Contribution – Closed Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability	\$5,761,361	\$5,741,238	\$5,707,899	\$5,644,109	\$5,546,144	\$5,430,160	\$5,297,222
2. Market Value of Assets	\$4,861,427	\$4,994,896	\$5,126,068	\$5,238,864	\$5,331,381	\$5,423,727	\$5,297,128
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$899,934	\$746,342	\$581,831	\$405,245	\$214,763	\$6,433	\$94
4. Funded Ratio (2 /1)	84%	87%	90%	93%	96%	100%	100%
5. Compensation	\$127,681	\$107,344	\$102,608	\$61,676	\$51,434	\$27,378	\$20,646
6. Employee Contributions	\$8,938	\$7,514	\$7,183	\$4,317	\$3,600	\$1,916	\$1,445
7. Gross Normal Cost	\$33,134	\$29,166	\$22,953	\$15,903	\$11,040	\$6,534	\$5,054
8. Net Employer Normal Cost ( 7-6 )	\$24,196	\$21,652	\$15,770	\$11,586	\$7,440	\$4,618	\$3,609
9. Amortization of UAAI.	\$201,548	\$203,196	\$205,348	\$208,524	\$214,763	\$6,433	\$94
10. Estimated State Insurance Premium Tax Allocation	\$18,485	\$16,112	\$15,579	\$12,667	\$11,886	\$6,433	\$94
11. Net Employer Amortization (9-10, not less than zero)	\$183,063	\$187,084	\$189,769	\$195,857	\$202,877	\$0	\$0
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$207,259 162%	\$208,736 194%	\$205,539 200%	\$207,443 336%	\$210,317 409%	\$4,618 17%	\$3,609 17%
13. Benefit Payments	\$388,356	\$396,045	\$417,477	\$439,873	\$446,807	\$452,010	\$449,465
14. Number of Active Members	1.4	1.0	0.9	0.6	0.4	0.2	0.1
15. Number of Inactive Members	13.4	13.4	13.3	13.4	13.2	13.1	12.9

# City of Nitro Firemen's Pension Fund Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability	\$3,032,890	\$3,191,824	\$3,359,704	\$3,534,738	\$3,712,912	\$3,902,508	\$4,104,270	\$4,318,985
2. Market Value of Assets	\$346,587	\$524,167	\$712,737	\$907,746	\$1,111,241	\$1,328,729	\$1,561,156	\$1,809,532
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$2,686,303	\$2,667,657	\$2,646,967	\$2,626,992	\$2,601,671	\$2,573,779	\$2,543,114	\$2,509,453
4. Funded Ratio ( 2 /1 )	11%	16%	21%	26%	30%	34%	38%	42%
5. Compensation	\$378,870	\$390,236	\$401,943	\$414,001	\$426,421	\$439,214	\$452,390	\$465,962
6. Employee Contributions	\$26,521	\$27,317	\$28,136	\$28,980	\$29,849	\$30,745	\$31,667	\$32,617
7. Gross Normal Cost	\$113,574	\$116,981	\$120,491	\$124,105	\$127,829	\$131,663	\$135,613	\$139,682
8. Net Employer Normal Cost ( 7-6 )	\$87,053	\$89,664	\$92,355	\$95,125	\$97,980	\$100,918	\$103,946	\$107,065
9. Amortization of UAAL	\$186,469	\$187,724	\$189,026	\$190,592	\$192,000	\$193,468	\$195,000	\$196,603
10. Estimated State Insurance Premium Tax Allocation	\$46,995	\$48,405	\$49,857	\$51,352	\$52,893	\$54,480	\$56,114	\$57,798
11. Net Employer Amortization (9-10, not less than zero)	\$139,474	\$139,319	\$139,169	\$139,240	\$139,107	\$138,988	\$138,886	\$138,805
12. Standard Minimum Employer Contribution (8+11)	\$226,527	\$228,984	\$231,524	\$234,365	\$237,087	\$239,907	\$242,832	\$245,870
( % of Compensation )	60%	59%	58%	57%	56%	55%	54%	53%
14. Benefit Payments	\$147,761	\$152,096	\$161,643	\$169,947	\$173,346	\$176,812	\$180,349	\$183,956
13. Number of Active Members	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
14. Number of Inactive Members	9.0	9.7	10.3	11.2	11.5	11.7	11.8	11.9



## Appendix IV

# City of Nitro Firemen's Pension Fund Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$4,547,495	\$4,790,690	\$5,049,519	\$5,324,989	\$5,598,392	\$5,866,154	\$6,148,048	\$6,433,850
2. Market Value of Assets	\$2,074,936	\$2,358,520	\$2,661,514	\$2,985,234	\$3,309,650	\$3,634,929	\$3,979,539	\$4,333,705
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$2,472,559	\$2,432,170	\$2,388,005	\$2,339,755	\$2,288,742	\$2,231,225	\$2,168,509	\$2,100,145
4. Funded Ratio ( 2 /1 )	46%	49%	53%	56%	59%	62%	65%	67%
5. Compensation	\$479,941	\$494,339	\$509,169	\$524,444	\$540,178	\$556,383	\$573,074	\$590,267
6. Employee Contributions	\$33,596	\$34,604	\$35,642	\$36,711	\$37,812	\$38,947	\$40,115	\$41,319
7. Gross Normal Cost	\$143,872	\$148,188	\$152,634	\$157,213	\$161,929	\$166,787	\$171,791	\$176,945
8. Net Employer Normal Cost ( 7-6 )	\$110,276	\$113,584	\$116,992	\$120,502	\$124,117	\$127,840	\$131,676	\$135,626
9. Amortization of UAAL	\$198,282	\$200,045	\$201,901	\$203,860	\$206,084	\$208,287	\$210,637	\$213,155
10. Estimated State Insurance Premium Tax Allocation	\$59,531	\$61,317	\$63,157	\$65,052	\$67,003	\$69,013	\$71,084	\$73,216
11. Net Employer Amortization (9-10, not less than zero)	\$138,751	\$138,728	\$138,744	\$138,808	\$139,081	\$139,274	\$139,553	\$139,939
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$249,027 52%	\$252,312 51%	\$255,736 50%	\$259,310 49%	\$263,198 49%	\$267,114 48%	\$271,229 47%	\$275,564 47%
14. Benefit Payments	\$187,635	\$191,388	\$195,215	\$219,943	\$244,951	\$252,193	\$270,348	\$291,944
13. Number of Active Members	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
14. Number of Inactive Members	12.0	12.0	12.0	12.3	13.0	13.1	13.1	13.4

# City of Nitro Firemen's Pension Fund

## Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

	July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability		\$6,720,424	\$7,014,546	\$7,323,665	\$7,651,230	\$7,997,525	\$8,357,637	\$8,739,292	\$9,143,851
2. Market Value of Assets		\$4,694,784	\$5,070,103	\$5,467,727	\$5,891,800	\$6,343,396	\$6,818,511	\$7,325,938	\$7,868,311
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$2,025,640	\$1,944,443	\$1,855,938	\$1,759,430	\$1,654,129	\$1,539,126	\$1,413,354	\$1,275,540
4. Funded Ratio ( 2 /1 )		70%	72%	75%	77%	79%	82%	84%	86%
5. Compensation		\$607,975	\$626,214	\$645,000	\$664,350	\$684,281	\$704,809	\$725,954	\$747,732
6. Employee Contributions		\$42,558	\$43,835	\$45,150	\$46,505	\$47,900	\$49,337	\$50,817	\$52,341
7. Gross Normal Cost		\$182,253	\$187,721	\$193,352	\$199,153	\$205,127	\$211,281	\$217,620	\$224,148
8. Net Employer Normal Cost ( 7-6 )		\$139,695	\$143,886	\$148,202	\$152,648	\$157,227	\$161,944	\$166,803	\$171,807
9. Amortization of UAAL		\$215,865	\$218,799	\$222,000	\$225,519	\$229,428	\$233,825	\$238,850	\$244,714
10. Estimated State Insurance Premium Tax Allocation		\$75,413	\$77,675	\$80,005	\$82,405	\$84,878	\$87,424	\$90,047	\$92,748
11. Net Employer Amortization (9-10, not less than zero)		\$140,452	\$141,124	\$141,995	\$143,114	\$144,550	\$146,401	\$148,803	\$151,966
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )		\$280,147 46%	\$285,009 46%	\$290,197 45%	\$295,761 45%	\$301,778 44%	\$308,345 44%	\$315,606 43%	\$323,773 43%
14. Benefit Payments		\$307,174	\$315,784	\$322,100	\$329,400	\$342,758	\$349,613	\$356,605	\$363,737
13. Number of Active Members		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
14. Number of Inactive Members		13.6	13.7	13.7	13.7	13.7	13.7	13.7	13.7

## Appendix IV

# City of Nitro Firemen's Pension Fund

## Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability	\$9,572,762	\$10,009,704	\$10,472,738	\$10,949,678	\$11,440,528	\$11,960,374	\$12,511,032
2. Market Value of Assets	\$8,448,642	\$9,052,621	\$9,701,049	\$10,385,874	\$11,114,578	\$11,922,635	\$12,481,232
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,124,120	\$957,083	\$771,689	\$563,804	\$325,950	\$37,739	\$29,800
4. Funded Ratio (2 /1)	88%	90%	93%	95%	97%	100%	100%
5. Compensation	\$770,164	\$793,269	\$817,067	\$841,579	\$866,827	\$892,831	\$919,616
6. Employee Contributions	\$53,911	\$55,529	\$57,195	\$58,911	\$60,678	\$62,498	\$64,373
7. Gross Normal Cost	\$230,873	\$237,799	\$244,933	\$252,281	\$259,849	\$267,645	\$275,674
8. Net Employer Normal Cost ( 7-6 )	\$176,962	\$182,270	\$187,738	\$193,370	\$199,171	\$205,147	\$211,301
9. Amortization of UAAL	\$251,757	\$260,572	\$272,355	\$290,113	\$325,950	\$37,739	\$29,800
10. Estimated State Insurance Premium Tax Allocation	\$95,530	\$98,396	\$101,348	\$104,389	\$107,520	\$37,739	\$29,800
11. Net Employer Amortization (9-10, not less than zero)	\$156,227	\$162,176	\$171,007	\$185,724	\$218,430	\$0	\$0
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$333,188 43%	\$344,445 43%	\$358,744 44%	\$379,094 45%	\$417,601 48%	\$205,147 23%	\$211,301 23%
14. Benefit Payments	\$388,356	\$396,123	\$417,477	\$439,873	\$448,670	\$457,644	\$466,797
13. Number of Active Members	11.0	11.0	11.0	11.0	11.0	11.0	11.0
14. Number of Inactive Members	13.7	13.7	13.7	13.7	13.7	13.7	13.7



## City of Nitro Firemen's Pension Fund

### Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	59.20%

July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability	\$3,032,890	\$3,191,824	\$3,359,704	\$3,534,738	\$3,712,912	\$3,902,508	\$4,104,270	\$4,318,985
2. Market Value of Assets	\$346,587	\$395,194	\$459,720	\$536,625	\$628,855	\$743,339	\$882,346	\$1,048,319
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$2,686,303	\$2,796,630	\$2,899,984	\$2,998,113	\$3,084,057	\$3,159,169	\$3,221,924	\$3,270,666
4. Funded Ratio ( 2 / 1 )	11%	12%	14%	15%	17%	19%	21%	24%
5. Compensation	\$378,870	\$390,236	\$401,943	\$414,001	\$426,421	\$439,214	\$452,390	\$465,962
6. Employee Contributions	\$26,521	\$27,317	\$28,136	\$28,980	\$29,849	\$30,745	\$31,667	\$32,617
7. Gross Normal Cost	\$113,574	\$116,981	\$120,491	\$124,105	\$127,829	\$131,663	\$135,613	\$139,682
8. Net Employer Normal Cost ( 7-6 )	\$87,053	\$89,664	\$92,355	\$95,125	\$97,980	\$100,918	\$103,946	\$107,065
9. Amortization of UAAL	\$186,469	\$196,800	\$207,095	\$217,517	\$227,600	\$237,471	\$247,050	\$256,240
10. Estimated State Insurance Premium Tax Allocation	\$46,995	\$48,405	\$49,857	\$51,352	\$52,893	\$54,480	\$56,114	\$57,798
11. Net Employer Amortization (9-10, not less than zero)	\$139,474	\$148,395	\$157,238	\$166,165	\$174,707	\$182,991	\$190,936	\$198,442
12. Standard Minimum Employer Contribution (8+11)	\$226,527	\$238,060	\$249,593	\$261,290	\$272,687	\$283,910	\$294,882	\$305,507
13. Prior Year Alternative Contribution x 107%	\$101,258	\$108,346	\$124,138	\$140,765	\$158,277	\$176,714	\$196,114	\$216,519
14. Suggested Employer Contribution ( max of 8, tiered % of Comp )	\$101,258	\$116,017	\$131,556	\$147,923	\$165,153	\$183,284	\$202,354	\$222,404
( % of Compensation )	27%	30%	33%	36%	39%	42%	45%	48%
( % of Benefit Payments )	69%	76%	81%	87%	95%	104%	112%	121%
15. Benefit Payments	\$147,761	\$152,096	\$161,643	\$169,947	\$173,346	\$176,812	\$180,349	\$183,956
16. Number of Active Members	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
17. Number of Inactive Members	9.0	9.7	10.3	11.2	11.5	11.7	11.8	11.9

## Appendix V

# City of Nitro Firemen's Pension Fund

## Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	59.20%

	July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability		\$4,547,495	\$4,790,690	\$5,049,519	\$5,324,989	\$5,598,392	\$5,866,154	\$6,148,048	\$6,433,850
2. Market Value of Assets		\$1,243,890	\$1,471,894	\$1,735,380	\$2,037,627	\$2,357,860	\$2,684,292	\$3,035,969	\$3,403,562
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$3,303,605	\$3,318,796	\$3,314,139	\$3,287,362	\$3,240,532	\$3,181,862	\$3,112,079	\$3,030,288
4. Funded Ratio ( 2 / 1 )		27%	31%	34%	38%	42%	46%	49%	53%
5. Compensation		\$479,941	\$494,339	\$509,169	\$524,444	\$540,178	\$556,383	\$573,074	\$590,267
6. Employee Contributions		\$33,596	\$34,604	\$35,642	\$36,711	\$37,812	\$38,947	\$40,115	\$41,319
7. Gross Normal Cost		\$143,872	\$148,188	\$152,634	\$157,213	\$161,929	\$166,787	\$171,791	\$176,945
8. Net Employer Normal Cost ( 7-6 )		\$110,276	\$113,584	\$116,992	\$120,502	\$124,117	\$127,840	\$131,676	\$135,626
9. Amortization of UAAL		\$264,926	\$272,970	\$280,204	\$286,424	\$291,785	\$297,030	\$302,291	\$307,560
10. Estimated State Insurance Premium Tax Allocation		\$59,531	\$61,317	\$63,157	\$65,052	\$67,003	\$69,013	\$71,084	\$73,216
11. Net Employer Amortization (9-10, not less than zero)		\$205,395	\$211,653	\$217,047	\$221,372	\$224,782	\$228,017	\$231,207	\$234,344
12. Standard Minimum Employer Contribution (8+11)		\$315,671	\$325,237	\$334,039	\$341,874	\$348,899	\$355,857	\$362,883	\$369,969
13. Prior Year Alternative Contribution x 107%		\$237,972	\$260,517	\$284,201	\$309,071	\$332,204	\$342,170	\$352,435	\$363,008
14. Suggested Employer Contribution ( max of 8, tiered % of Comp)		\$243,474	\$265,608	\$288,852	\$310,471	\$319,785	\$329,379	\$339,260	\$349,438
( % of Compensation )		51%	54%	57%	59%	59%	59%	59%	59%
( % of Benefit Payments)		130%	139%	148%	141%	131%	131%	125%	120%
15. Benefit Payments		\$187,635	\$191,388	\$195,215	\$219,943	\$244,951	\$252,193	\$270,348	\$291,944
16. Number of Active Members		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
17. Number of Inactive Members		12.0	12.0	12.0	12.3	13.0	13.1	13.1	13.4

# City of Nitro Firemen's Pension Fund

## Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	59.20%

	July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability		\$6,720,424	\$7,014,546	\$7,323,665	\$7,651,230	\$7,997,525	\$8,357,637	\$8,739,292	\$9,143,851
2. Market Value of Assets		\$3,784,890	\$4,187,748	\$4,620,674	\$5,088,276	\$5,592,078	\$6,128,485	\$6,706,632	\$7,329,380
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$2,935,534	\$2,826,798	\$2,702,991	\$2,562,954	\$2,405,447	\$2,229,152	\$2,032,660	\$1,814,471
4. Funded Ratio (2 /1)		56%	60%	63%	67%	70%	73%	77%	80%
5. Compensation		\$607,975	\$626,214	\$645,000	\$664,350	\$684,281	\$704,809	\$725,954	\$747,732
6. Employee Contributions		\$42,558	\$43,835	\$45,150	\$46,505	\$47,900	\$49,337	\$50,817	\$52,341
7. Gross Normal Cost		\$182,253	\$187,721	\$193,352	\$199,153	\$205,127	\$211,281	\$217,620	\$224,148
8. Net Employer Normal Cost ( 7-6 )		\$139,695	\$143,886	\$148,202	\$152,648	\$157,227	\$161,944	\$166,803	\$171,807
9. Amortization of UAAL		\$312,829	\$318,087	\$323,321	\$328,513	\$333,636	\$338,654	\$343,510	\$348,109
10. Estimated State Insurance Premium Tax Allocation		\$75,413	\$77,675	\$80,005	\$82,405	\$84,878	\$87,424	\$90,047	\$92,748
11. Net Employer Amortization (9-10, not less than zero)		\$237,416	\$240,412	\$243,316	\$246,108	\$248,758	\$251,230	\$253,463	\$255,361
12. Standard Minimum Employer Contribution (8+11)		\$377,111	\$384,297	\$391,518	\$398,755	\$405,986	\$413,174	\$420,266	\$427,168
13. Prior Year Alternative Contribution x 107%		\$373,899	\$385,116	\$396,669	\$408,569	\$420,826	\$433,451	\$446,454	\$459,848
14. Suggested Employer Contribution ( max of 8, tiered % of Comp)		\$359,921	\$370,719	\$381,840	\$393,295	\$405,094	\$417,247	\$429,765	\$442,657
( % of Compensation )		59%	59%	59%	59%	59%	59%	59%	59%
( % of Benefit Payments)		117%	117%	119%	119%	118%	119%	121%	122%
15. Benefit Payments		\$307,174	\$315,784	\$322,100	\$329,400	\$342,758	\$349,613	\$356,605	\$363,737
16. Number of Active Members		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
17. Number of Inactive Members		13.6	13.7	13.7	13.7	13.7	13.7	13.7	13.7



## Appendix V

# City of Nitro Firemen's Pension Fund

## Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.00%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	59.20%

	July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability		\$9,572,762	\$10,009,704	\$10,472,738	\$10,949,678	\$11,440,528	\$11,960,374	\$12,511,032
2. Market Value of Assets		\$7,999,774	\$8,703,199	\$9,459,532	\$10,258,519	\$11,102,224	\$12,007,926	\$12,532,786
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$1,572,988	\$1,306,505	\$1,013,206	\$691,159	\$338,304	(\$47,552)	(\$21,754)
4. Funded Ratio (2 /1)		84%	87%	90%	94%	97%	100%	100%
5. Compensation		\$770,164	\$793,269	\$817,067	\$841,579	\$866,827	\$892,831	\$919,616
6. Employee Contributions		\$53,911	\$55,529	\$57,195	\$58,911	\$60,678	\$62,498	\$64,373
7. Gross Normal Cost		\$230,873	\$237,799	\$244,933	\$252,281	\$259,849	\$267,645	\$275,674
8. Net Employer Normal Cost ( 7-6 )		\$176,962	\$182,270	\$187,738	\$193,370	\$199,171	\$205,147	\$211,301
9. Amortization of U/AAL		\$352,285	\$355,704	\$357,595	\$355,645	\$338,304	(\$47,552)	(\$21,754)
10. Estimated State Insurance Premium Tax Allocation		\$95,530	\$98,396	\$101,348	\$104,389	\$107,520	\$0	\$0
11. Net Employer Amortization (9-10, not less than zero)		\$256,755	\$257,308	\$256,247	\$251,256	\$230,784	\$0	\$0
12. Standard Minimum Employer Contribution (8+11)		\$433,716	\$439,577	\$443,984	\$444,626	\$429,955	\$205,147	\$211,301
13. Prior Year Alternative Contribution x 107%		\$473,644	\$487,853	\$502,488	\$517,563	\$533,090	\$549,083	\$219,507
14. Suggested Employer Contribution ( max of 8, tiered % of Comp)		\$455,937	\$469,615	\$483,704	\$498,215	\$513,161	\$205,147	\$211,301
( % of Compensation )		59%	59%	59%	59%	59%	23%	23%
( % of Benefit Payments)		117%	119%	116%	113%	114%	45%	45%
15. Benefit Payments		\$388,356	\$396,123	\$417,477	\$439,873	\$448,670	\$457,644	\$466,797
16. Number of Active Members		11.0	11.0	11.0	11.0	11.0	11.0	11.0
17. Number of Inactive Members		13.7	13.7	13.7	13.7	13.7	13.7	13.7

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**CITY OF NITRO, WEST VIRGINIA  
POLICEMEN'S PENSION AND RELIEF FUND**

**for the Year Beginning July 1, 2002**



**Gabriel, Roeder, Smith & Company**

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GABRIEL, ROEDER, SMITH & COMPANY  
CONSULTANTS & ACTUARIES

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20 North Clark Street • Suite 1100 • Chicago, Illinois 60602 • 312-456-9800 • Fax 312-456-9801

November 7, 2003

Mr. Ralph Allison  
Treasurer  
P.O. Box 308  
Nitro, WV 25143

**Subject: City of Nitro Policemen's Pension and Relief Fund  
Actuarial Valuation Report for the Year Beginning July 1, 2002**

Dear Mr. Allison:

Upon the request of the State Treasurer's Office of the State of West Virginia, we have performed an actuarial valuation as of July 1, 2002 for the City of Nitro, West Virginia Policemen's Pension and Relief Funds ("the Fund"). This valuation has been performed in accordance with the West Virginia Code §8-22 Part III. The primary purpose of this report is to assess the adequacy of the current funding policy as defined in West Virginia Code §8-22-20 which states the "minimum standard for actuarial soundness". The assumptions and methods were selected by the actuary and approved by the State Treasurer's Office.

This valuation is based upon:

**Plan Member Data** – Data for active members and persons receiving benefits from the Fund as of June 30, 2002 was provided by the Fund's staff. We have tested this data for reasonableness.

**Asset Values** – A reconciliation of market value of assets during the plan year ending July 1, 2002 and assets held as of June 30, 2002 by investment category was provided by the Fund.

**Plan Provisions** – A summary of the key plan provisions valued are set forth in Section VI of the report: Summary of Principal Plan Provisions.

**Actuarial Methods** – Fund liabilities were measured using the Entry-Age Normal Actuarial Cost Method. The valuation was based on the market value of assets. The actuarial methods used in the valuation are set forth in Section V of the report: Actuarial Assumptions and Methods.



Mr. Ralph Allison  
Treasurer  
City of Nitro Policemen's Pension and Relief Fund  
Page 2

**Actuarial Assumptions** - The actuarial assumptions used include a discount rate of 6.50%. The assumptions used in the valuation are set forth in Section V of the report: Actuarial Assumptions and Methods.

The valuation results disclosed in this report are based on the data and actuarial assumptions and methods described above, and upon the provisions of the Plan as of the valuation date. Based on these items, we certify these results to be true and correct.

Respectfully yours,



Michael R. Kivi, F.S.A.  
Senior Consultant



Alex Rivera, A.S.A.  
Senior Consultant

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	4	Schedule B – Minimum Funding Requirements
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## SECTION I

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1. 2002



## City of Nitro Policemen's Pension and Relief Fund

### Actuarial Study as of July 1, 2002

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#### **Summary of Valuation Results**

Upon the request of the State Treasurer's Office of the State of West Virginia, we have performed an actuarial valuation as of July 1, 2002 for the City of Nitro, West Virginia Policemen's Pension and Relief Fund ("Fund" or "Plan"). The primary purpose of this report is to assess the adequacy of the current funding policy as defined in West Virginia Code §8-22-20 which states the "minimum standard for actuarial soundness".

Based on the information provided by the Fund, the City of Nitro has elected to fund benefits using the alternative minimum contribution methodology as defined in the West Virginia Code Section 8-22-20. The key features of the alternative contribution include:

- The initial alternative contribution effective for plan year 1991 is the greater of 107% of the amount contributed for the plan year ending June 30, 1990 or the five-year average of contributions made since 1984.
- Employer contributions made in subsequent years cannot be less than 107% of the contribution made in the prior fiscal year.
- The actuary must certify in writing that the Fund is projected to be solvent under the alternative contribution method for the next consecutive 15-year period. A plan is deemed to be solvent if projected assets are greater than zero over the 15-year projection period.
- Beginning September 1, 2003, any municipality which elected the alternative funding method has the option of reverting to the standard funding method if the unfunded actuarial liability is less than 25% of fund assets. In this case, the standard minimum contribution equals the normal cost plus the amortization of the unfunded liability over a period of not more than 40 years commencing from July 1, 1991, less the allocable portion of the state premium tax fund for municipal pension and relief funds.

As of July 1, 2002, the actuarial accrued liability of \$2,861,435 exceeded the market value of assets of \$1,017,115 by \$1,844,320. The funded ratio, market value of assets divided by actuarial liabilities, is 36%. The funded ratio is a key indicator of the financial status of the Plan and is widely accepted by public retirement systems and accounting authorities such as the Governmental Accounting Standards Board (GASB).

Based on the alternative funding policy the expected employer contribution for plan year ending June 30, 2003 is \$77,040 or 14% of covered payroll and includes an additional contribution of \$0 in order for the plan to remain solvent through the 15-year projection period. The solvency test assumes plan assets must exceed zero over the 15-year projection period on both an open-group basis, assuming a stable population, and on a closed-group basis, assuming no new entrants.

## City of Nitro Policemen's Pension and Relief Fund Actuarial Study as of July 1, 2002

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### Summary of Valuation Results (Continued)

If the City continues to contribute the alternative minimum amount, in the year 2017 based on an open group projection, the funded ratio is expected to be 56% and the annual employer contribution rate is expected to increase to 25% of covered payroll. The results of the actuarial valuation as of July 1, 2002 are shown in the following schedules and graph:

- Schedule A: Summary of Key Valuation Results
- Schedule B: Minimum Funding Requirements
- Graph 1: Solvency Projections Under the Alternative Funding Method

**City of Nitro Policemen's Pension and Relief Fund**  
**Actuarial Study as of July 1, 2002**

**Summary of Key Valuation Results**

**Schedule A**

Valuation Date	July 1, 2002	
Valuation Interest Rate	6.50%	
Cost-of-Living Adjustment	3.00%	
Salary Increase	5.00%	
Covered Payroll	\$546,580	
Expected Benefit Payments	\$113,149	
1. Actuarial Accrued Liability		<u>No.</u>
(a) Actives	\$1,240,021	16
(b) Retirees	\$596,393	2
(c) Surviving Spouses	\$0	0
(d) Disabled Members	\$1,025,021	5
(e) Deferred Vested Members	<u>\$0</u>	<u>0</u>
(f) Total	\$2,861,435	23
2. Present Value of Future Normal Costs	\$1,638,320	
3. Present Value of Benefits (1 + 2)	\$4,499,755	
4. Market Value of Assets	\$1,017,115	
5. Unfunded Actuarial Accrued Liability (1(f) - 4)	\$1,844,320	
6. Funded Ratio (4 / 1(f))	36%	
7. Net Employer Normal Cost	\$123,387	
( % of Compensation)	23%	
8. Standard Minimum Employer Contribution <sup>a</sup>	\$181,475	
( % of Compensation)	33%	
9. Alternative Minimum Employer Contribution <sup>b</sup>	\$77,040	
( % of Compensation)	14%	

<sup>a</sup> Normal cost plus 40-year level dollar amortization period closed since June 30, 1991, less State Contribution.

<sup>b</sup> 107% of prior year's alternative contribution.



# City of Nitro Policemen's Pension and Relief Fund

## Actuarial Study as of July 1, 2002

### Minimum Funding Requirements

### Schedule B

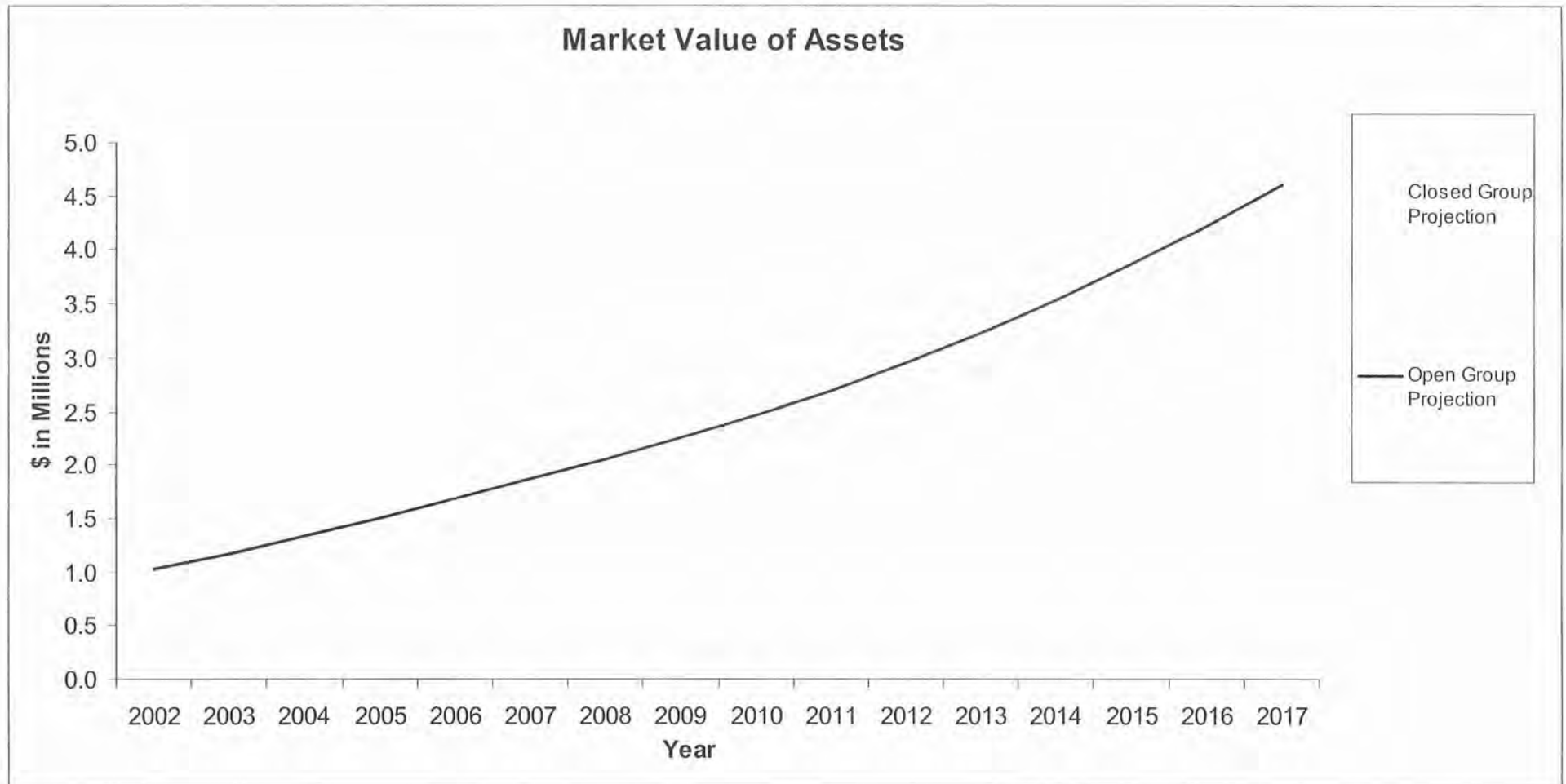
Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Covered Payroll	\$546,580
Expected Benefit Payments	\$113,149
1. Net Employer Normal Cost	
(a) Gross Normal Cost	\$161,648
(b) Employee Contribution Rate	7.00%
(c) Expected Employee Contributions	\$38,261
(d) Net Employer Normal Cost (a - c)	\$123,387
2. Amortization of Unfunded Actuarial Accrued Liability	
(a) Actuarial Accrued Liability	\$2,861,435
(b) Market Value of Assets	\$1,017,115
(c) Unfunded Actuarial Liability (a - b)	\$1,844,320
(d) Amortization of UAAL <sup>a</sup>	\$134,167
3. Estimated State Insurance Premium Tax Allocation	\$76,079
4. Standard Minimum Employer Contribution	
(a) Net Employer Normal Cost	\$123,387
(b) Amortization of UAAL less State Contribution, ( 2(d) - 3, not less than zero)	\$58,088
(c) Standard Minimum Employer Contribution (a + b)	\$181,475
4. Alternative Minimum Employer Contribution	
(a) Prior Year Alternative Contribution <sup>b</sup>	\$72,000
(b) Increase in Alternative Contribution	7.00%
(c) Current Year Alternative Contribution	\$77,040
(d) Additional Contribution to Satisfy 15-year Solvency Test	\$0
(e) Alternative Contribution ( c + d )	\$77,040

<sup>a</sup> 40-year level dollar amortization period closed since June 30, 1991, 29 years remaining as of June 30, 2002 .

<sup>b</sup> Assumed based on actual contribution made in prior year.

## City of Nitro Policemen's Pension and Relief Fund Solvency Projections under Alternative Funding Method

Graph 1



## SECTION II

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1. The following are the names of the members of the committee.



## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

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### Open-Group Projections

The City of Nitro Policemen's Pension and Relief Fund has elected to fund benefits using the alternative minimum standard. Under this funding policy, the funded ratio of the Fund is expected to be 56% in the year 2017 and the contribution rate will increase to 25% of payroll after 15 years. Please note that the alternative minimum standard may not be consistent with actuarial standards. A more common approach, used by many public plan sponsors, is to contribute the normal cost plus the amortization of the unfunded actuarial accrued liability. This approach will generally produce stable contribution rates when expressed as a percentage of pay and is consistent with actuarial standards.

In lieu of the alternative minimum contribution, a plan sponsor may elect to contribute the standard minimum contribution after September 1, 2003 if the plan's funded ratio is greater than 75%. The standard contribution is defined as the net employer normal cost plus a 40-year amortization of the unfunded accrued liability, less the allocable portion of the state premium tax fund for municipal pension and relief funds. The standard minimum contribution is consistent with actuarial standards.

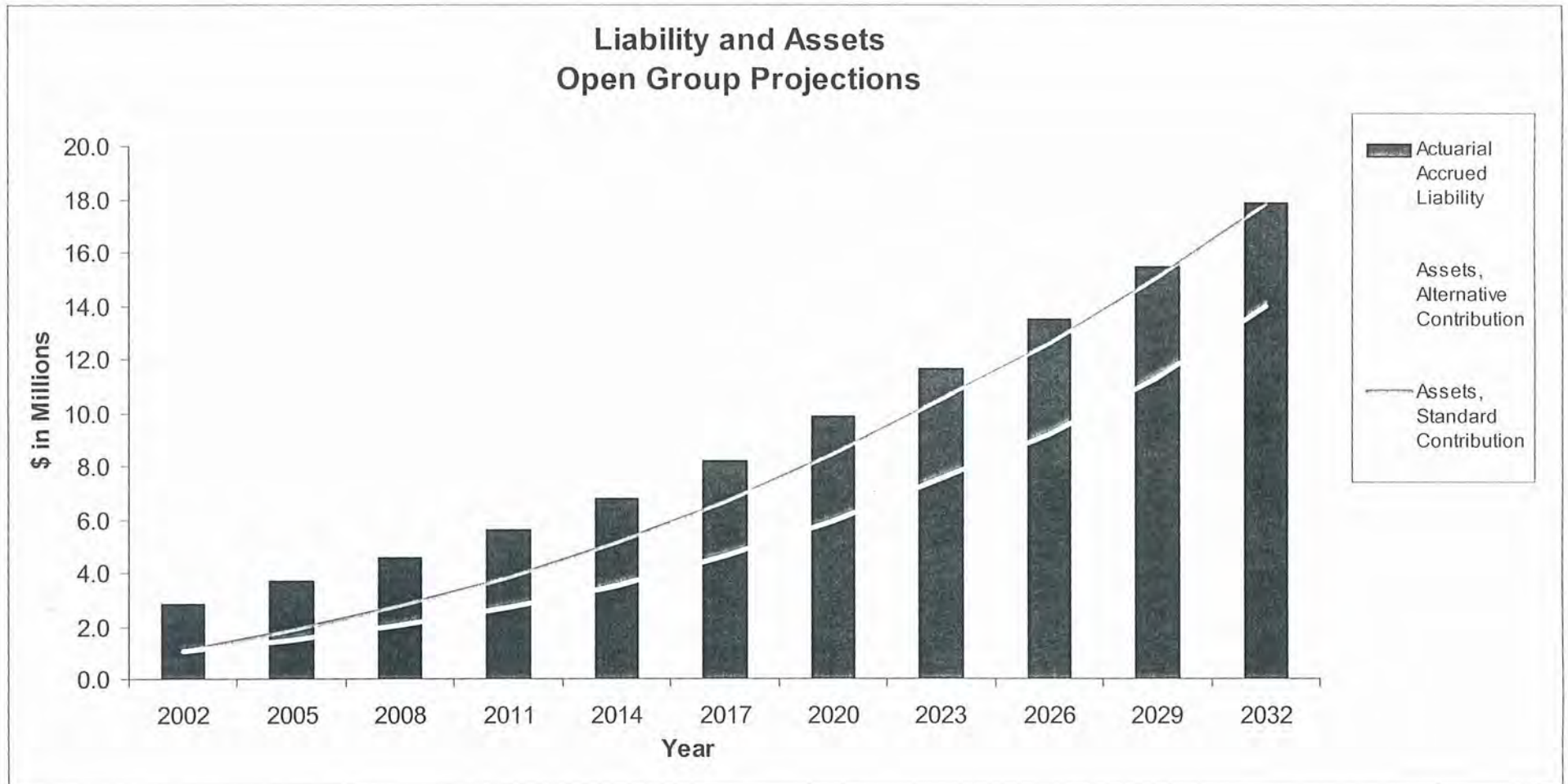
The following graphs show a 30-year open-group projection of assets, liabilities and contribution rates and compare the impact of the alternative versus the standard funding policies. For purposes of projecting the standard minimum contribution, we have assumed a 40-year closed amortization period commencing in 1991 with 29 years remaining as of July 1, 2002. We have also assumed the active population would remain stable. The key differences of the standard minimum funding policy when compared to alternative minimum funding policy include:

- **Funding adequacy.** Graph 2 contains a 30-year projection of assets and liabilities under the standard versus alternative funding policies. Under the standard funding policy, assets are expected to grow to \$17,788,000 or 100% of liabilities in the year 2032. Under the alternative funding policy, assets are projected to be \$13,961,000 or 78% of liabilities. Graph 3 shows a similar relationship expressed in terms of the funded ratio of assets to liabilities.
- **More manageable long-term cash flow.** Graph 4 projects cash flows assuming the standard funding policy. In this case, investment income is projected to become a significant source of cash to pay benefits; employer contributions are expected to increase at a steady rate and will decline to the normal cost in 2032 when the unfunded actuarial liability becomes fully amortized. Graph 5 projects cash flows assuming the alternative funding policy. In this case, less investment income will be available to pay retiree benefits and employer contributions are expected to grow rapidly. Graph 6 shows the projected contribution rates, expressed as a percentage of pay, under the standard versus alternative funding policies. In this graph, the contribution rate under the standard policy starts at 33% of pay in 2002, declines steadily and then drops to 23% in 2032 because the unfunded actuarial liability has been fully amortized. Under the alternative funding policy, the contribution starts at 14% of payroll in 2002 with the contribution amount increasing at 7% each year, approaching 44% of payroll in 2032.

Because the plan is not well funded, as indicated by a funded ratio of 36% as of July 1, 2002, the standard minimum funding policy will initially require significant contributions. For the plan year ending June 30, 2002, a contribution of \$181,475 or 33% of payroll would be required under the standard funding policy. Under these circumstances making contributions under the standard funding policy may not be practical even though over the long run it would significantly improve the funded status of the plan.

## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

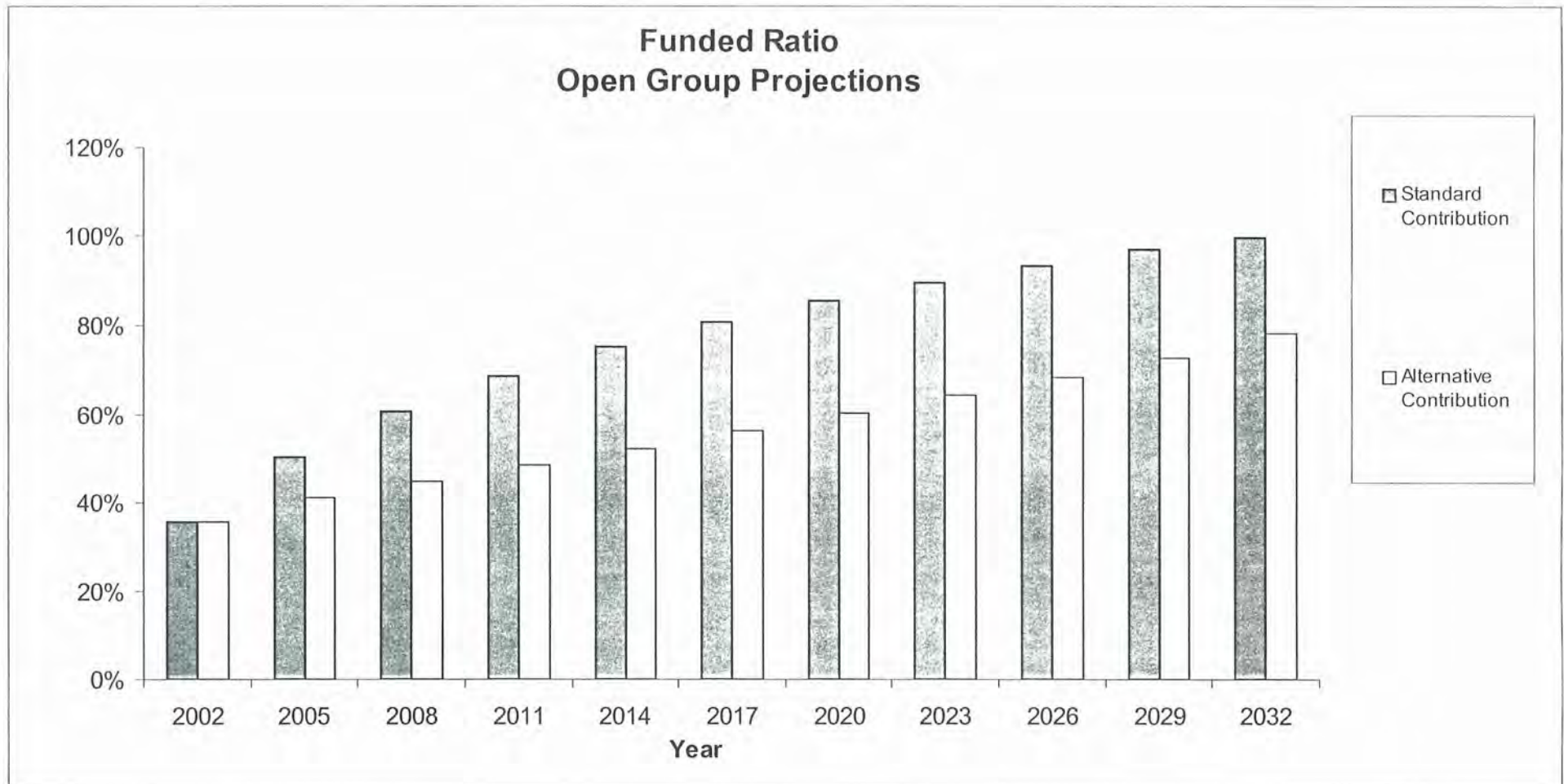
Graph 2





## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

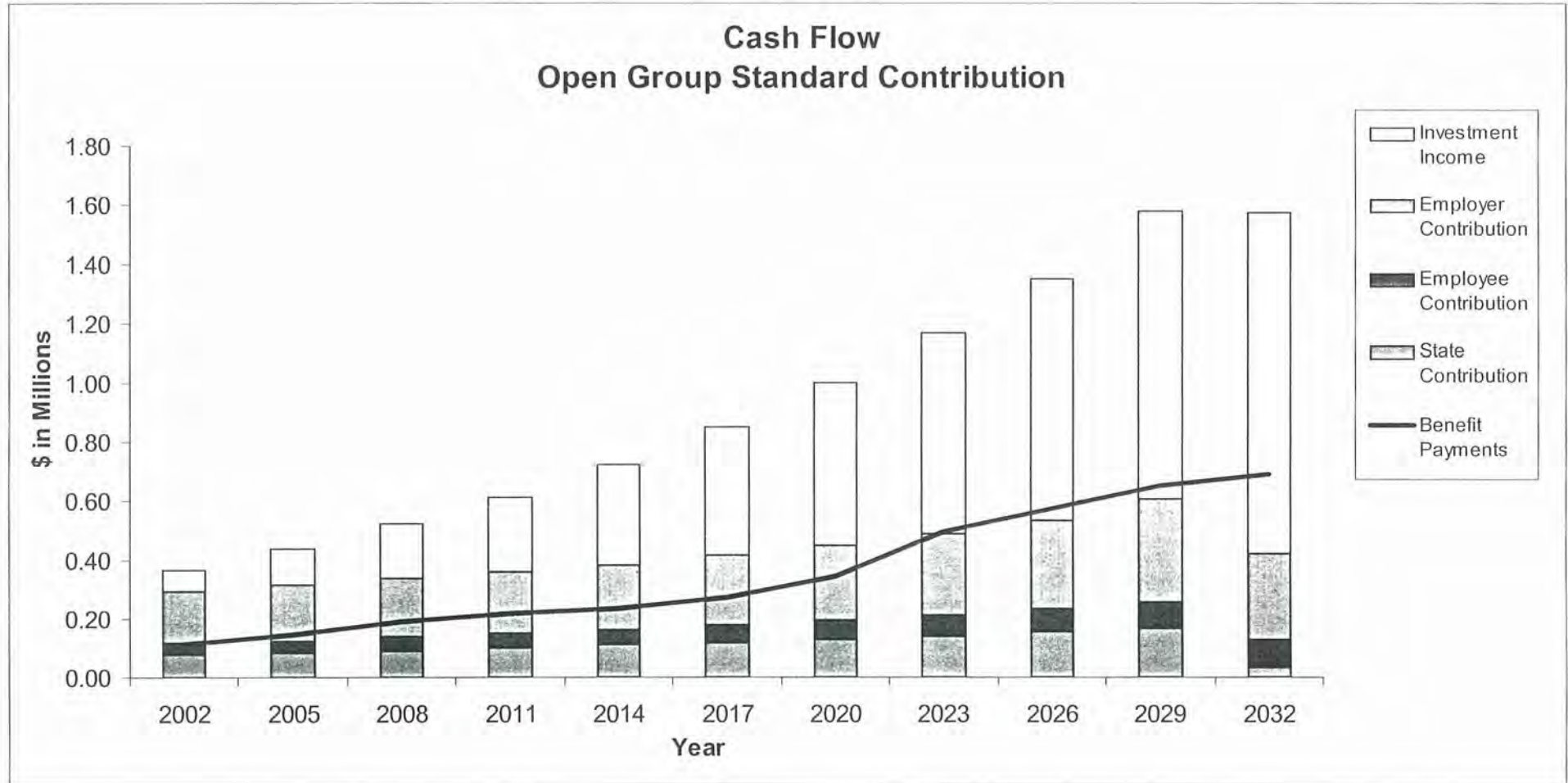
Graph 3





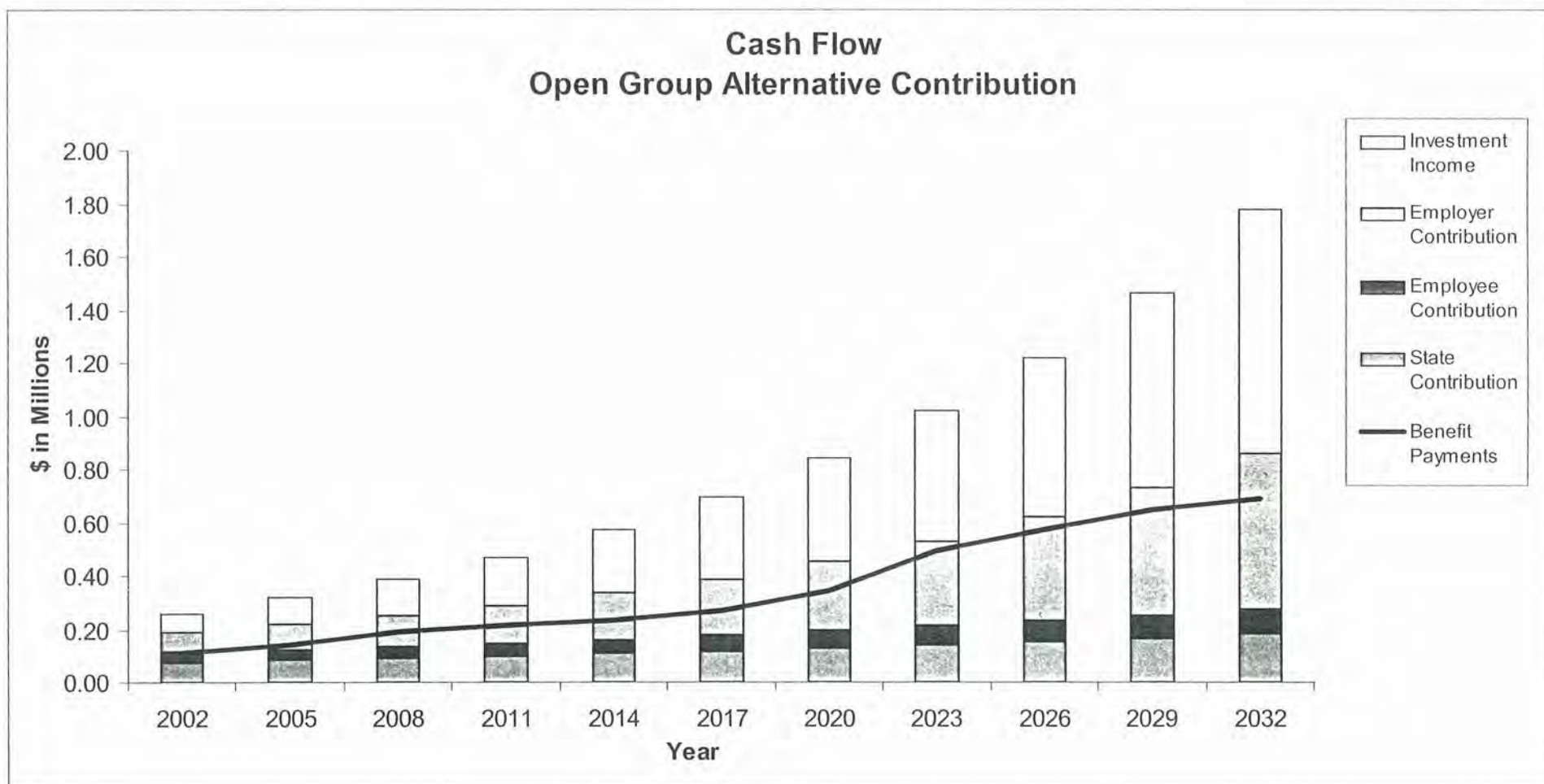
## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 4



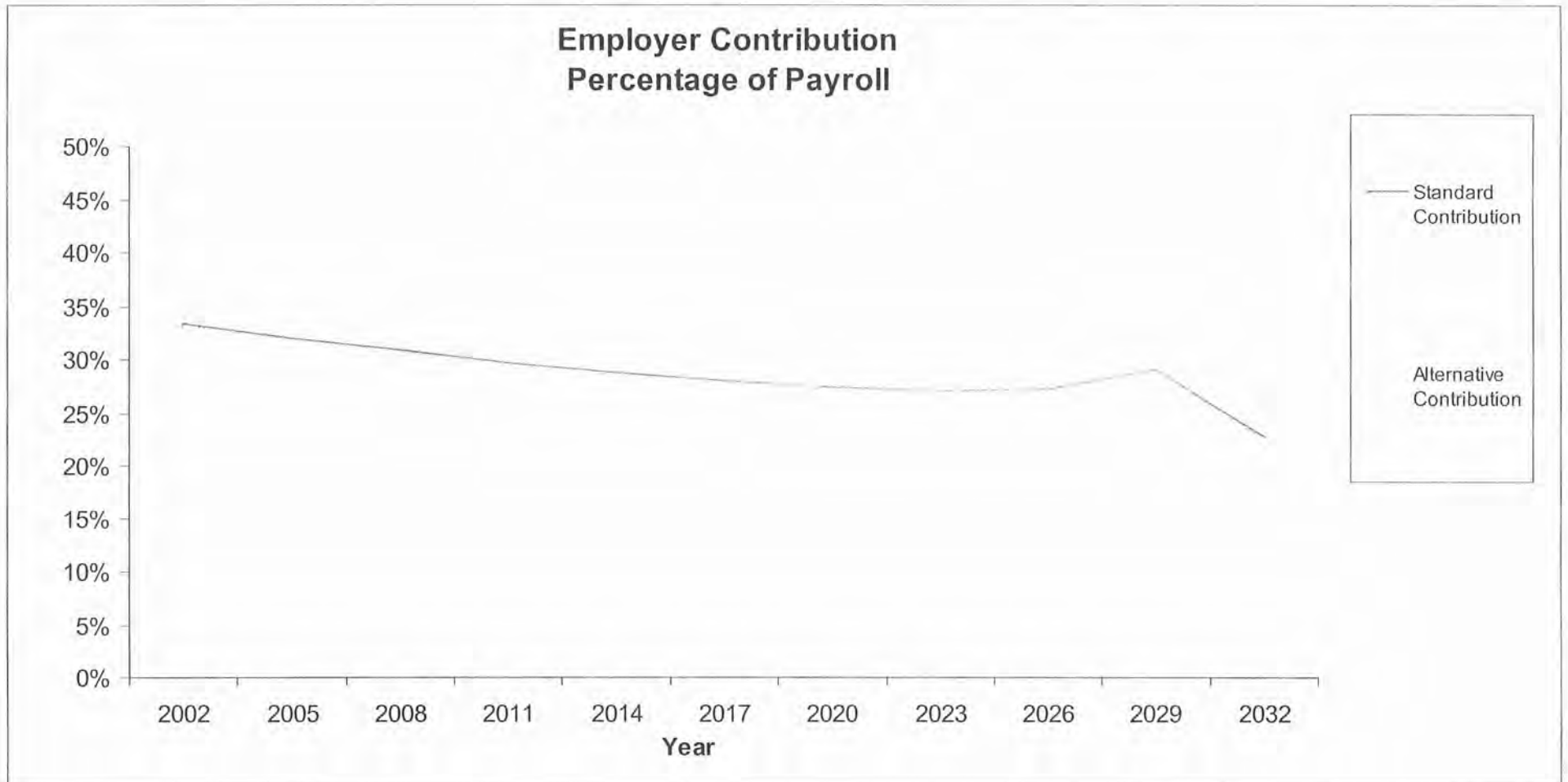
# City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 5



## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 6





## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

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### Projections of a Suggested Funding Policy

Under the currently available minimum funding options – alternative or standard – a significant level of contributions will be required either in the near term or in the future. Under the alternative method, the contribution rate will start at 14% in 2002 but will escalate to over 44% in 2032. Under the standard method, the contribution rate will start at 33% and is expected to decrease steadily and drop down to 23% in 2032. The standard method will certainly help improve the funded status of the plan but it does not appear to be a practical approach. The alternative method will cause the plan to continue to remain poorly funded.

We believe a funding policy that falls in between the alternative and standard policies may result in a more manageable contribution policy and at the same time improve the funded status of the plan. The suggested policy is based on the following principles:

- Initially, contribute an amount greater than the statutory minimum defined under the alternative minimum. One approach is to define a set of tiered contribution targets expressed as a percentage of payroll.
- In subsequent years, contribute the suggested tiered contribution rates until the standard contribution minimum level is reached. At that point, determine the level percentage of payroll contribution rate that produces a funded ratio of 100% by 2032.

In order for this approach to work, excess contributions over the alternative minimum will need to be made. For this plan, the following contribution rates, expressed as a percentage of pay, are projected to produce a funded ratio of 100% by 2032:

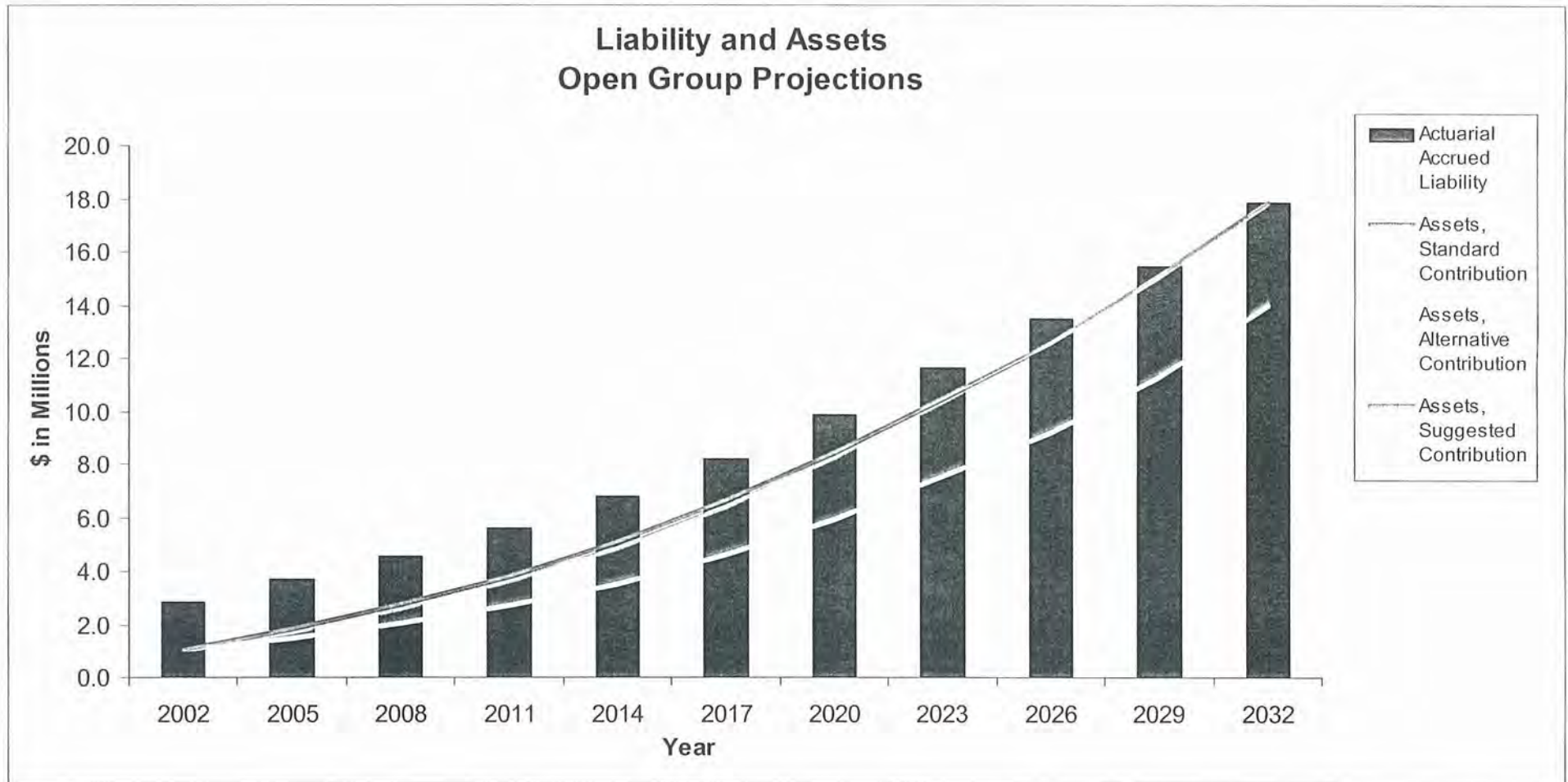
- 23% in 2002 increasing by 3 percentage points each year until 31% is reached in 2005;
- 31% from 2005 to 2030, after 2030 the standard contribution would apply; and
- 23% after 2030.

Graph 7 shows the effect of the suggested contribution policy compared to the current standard and alternative contribution policies. Under the suggested policy, assets are projected to grow to \$17,860,000 in 2032 which compares to \$17,788,000 under the standard policy and \$13,961,000 under the alternative method. Graph 8 shows a similar relationship in terms of the funded ratio. In the year 2032, the funded ratio is projected to be 100% under the suggested method which compares to 100% under the standard method and 78% under the alternative method. Graph 9 indicates that the suggested contribution will generate a significant level of investment income cash flow to pay benefits.

Graph 10 shows the contribution rates under the suggested, standard and alternative policies. Under the suggested policy, contribution rates will start at 23%, increase steadily to about 31% in 2005, remain level thereafter, and drop to 23% in 2032.

## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

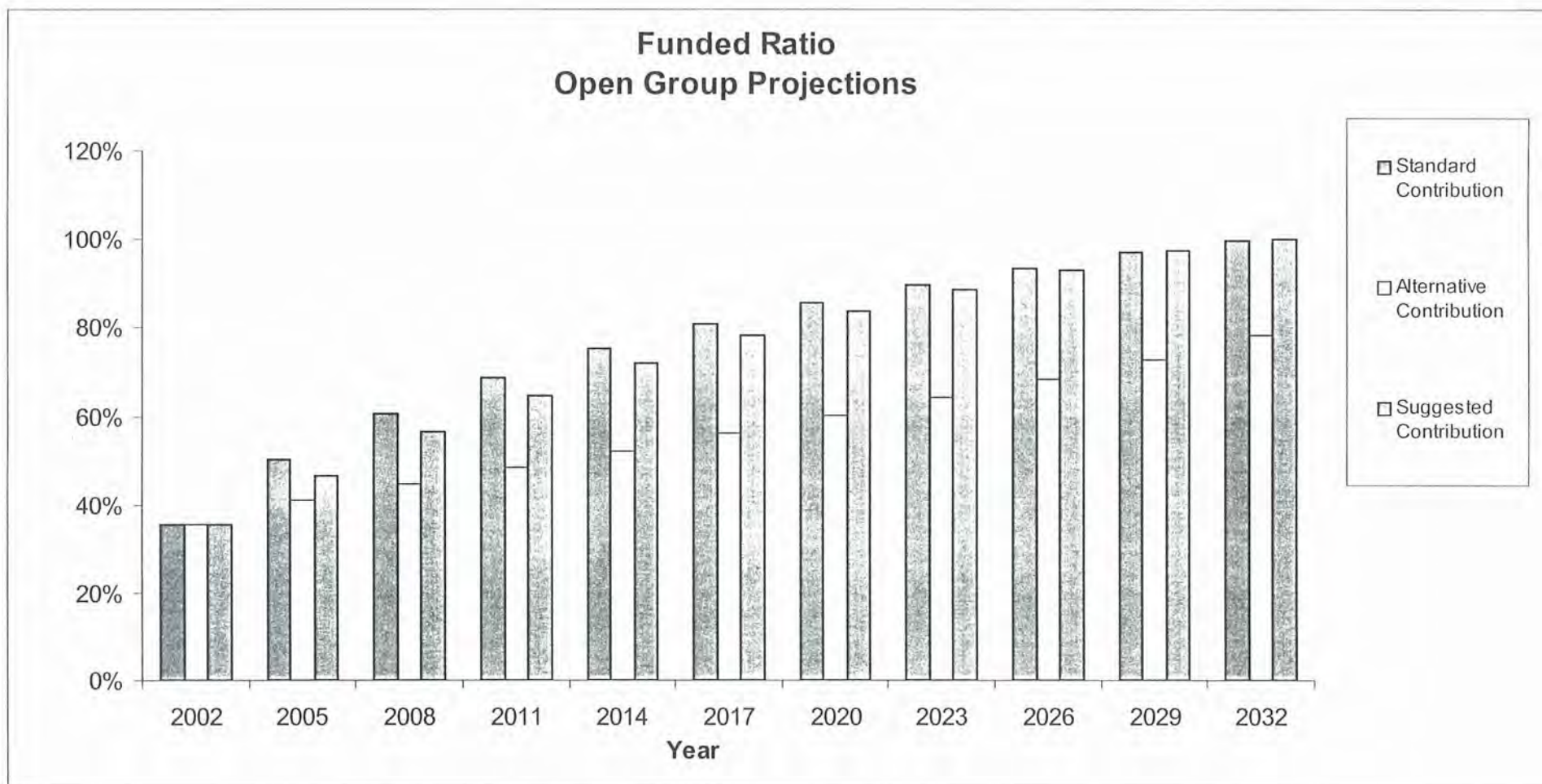
Graph 7





## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

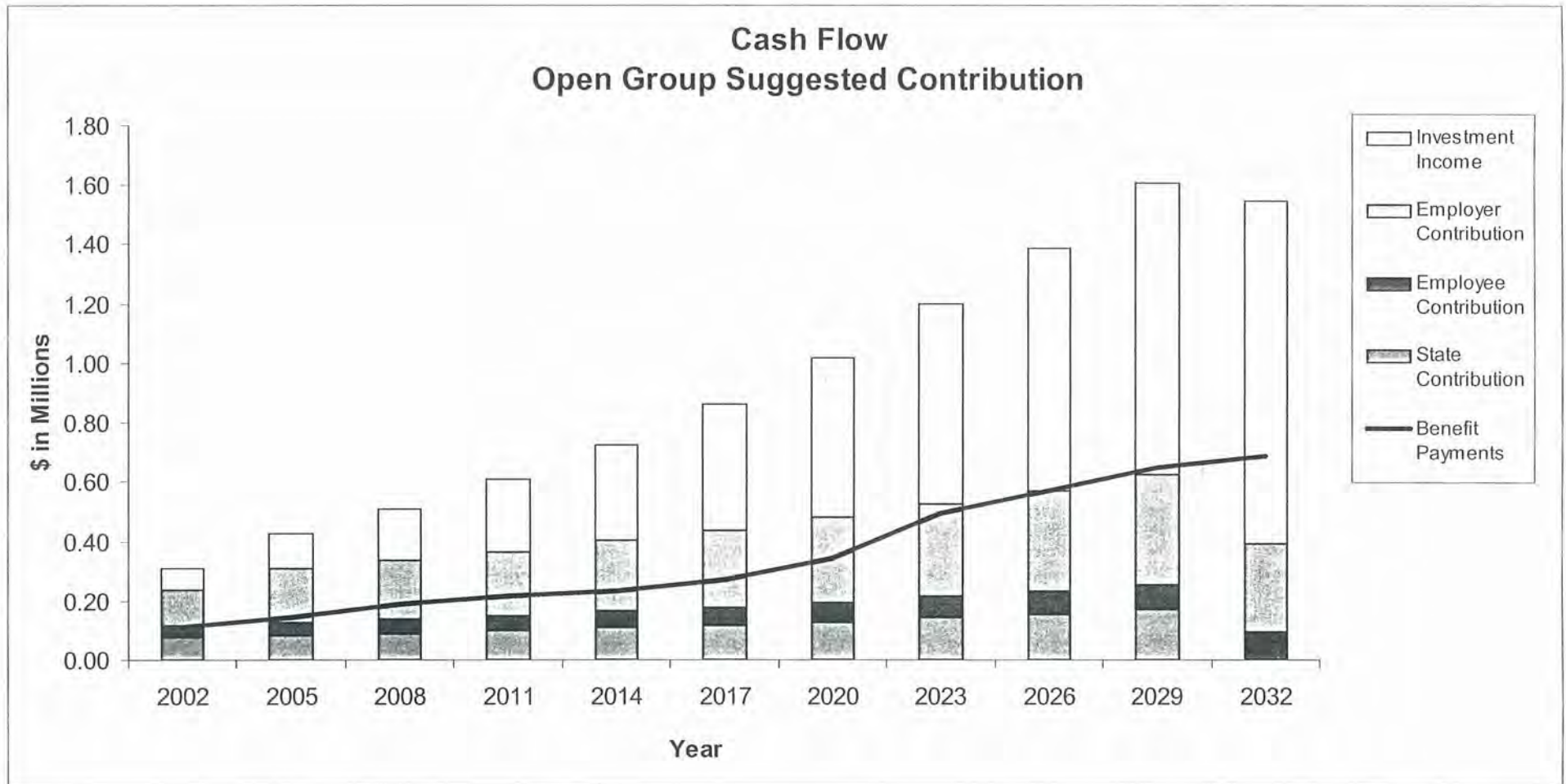
Graph 8





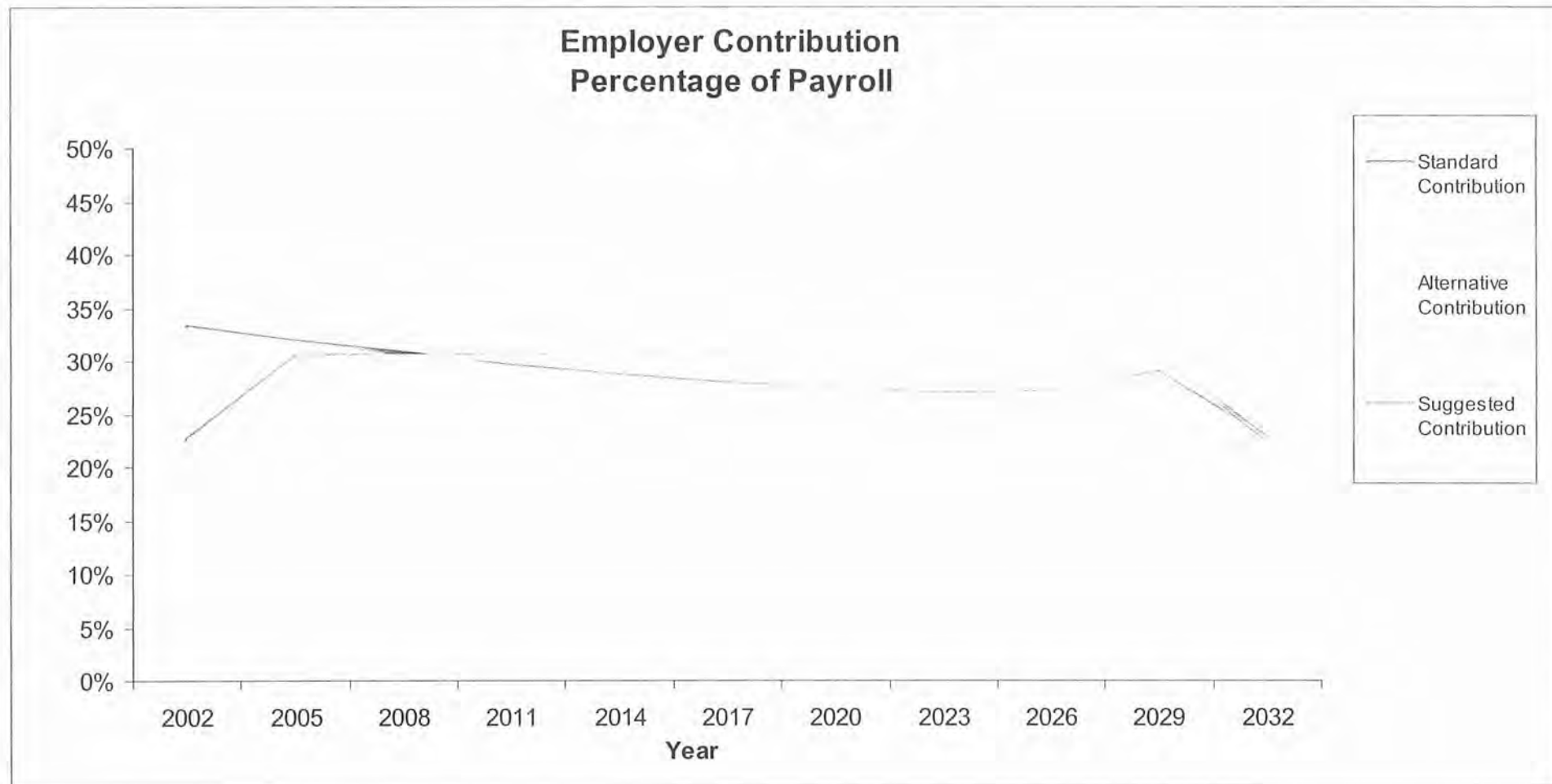
## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 9



## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 10



## City of Nitro Policemen's Pension and Relief Fund

### Actuarial Projections

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#### Closed-Group Projections

The closed-group projections assume the Plan will be frozen and newly hired employees will not be eligible to participate in the Plan. Because no new participants are entering the Plan, the average age of the covered active group will increase. Eventually, the covered group of active employees will retire and no active members will be left in the Plan. The amortization period will commence at 29 years in 2002 and will decline by one in each subsequent year until the amortization period reaches one year.

Graph 11 shows a 30-year closed-group projection of assets and liabilities under the standard and alternative funding policies. Under the alternative contribution policy, assets are expected to grow because contributions are increasing at a rate of 7% while benefit payments are decreasing. In 2030, the annual contribution will be more than 648% of the 2002 contribution. Under the standard contribution policy, assets are expected to equal liabilities in the year 2032. This is a direct consequence of the funding method. After the 29-year closed amortization period, the normal cost will approach zero and the standard contribution will equal the difference between assets and liabilities. Graph 12 shows a similar relationship expressed in terms of the funded ratio.

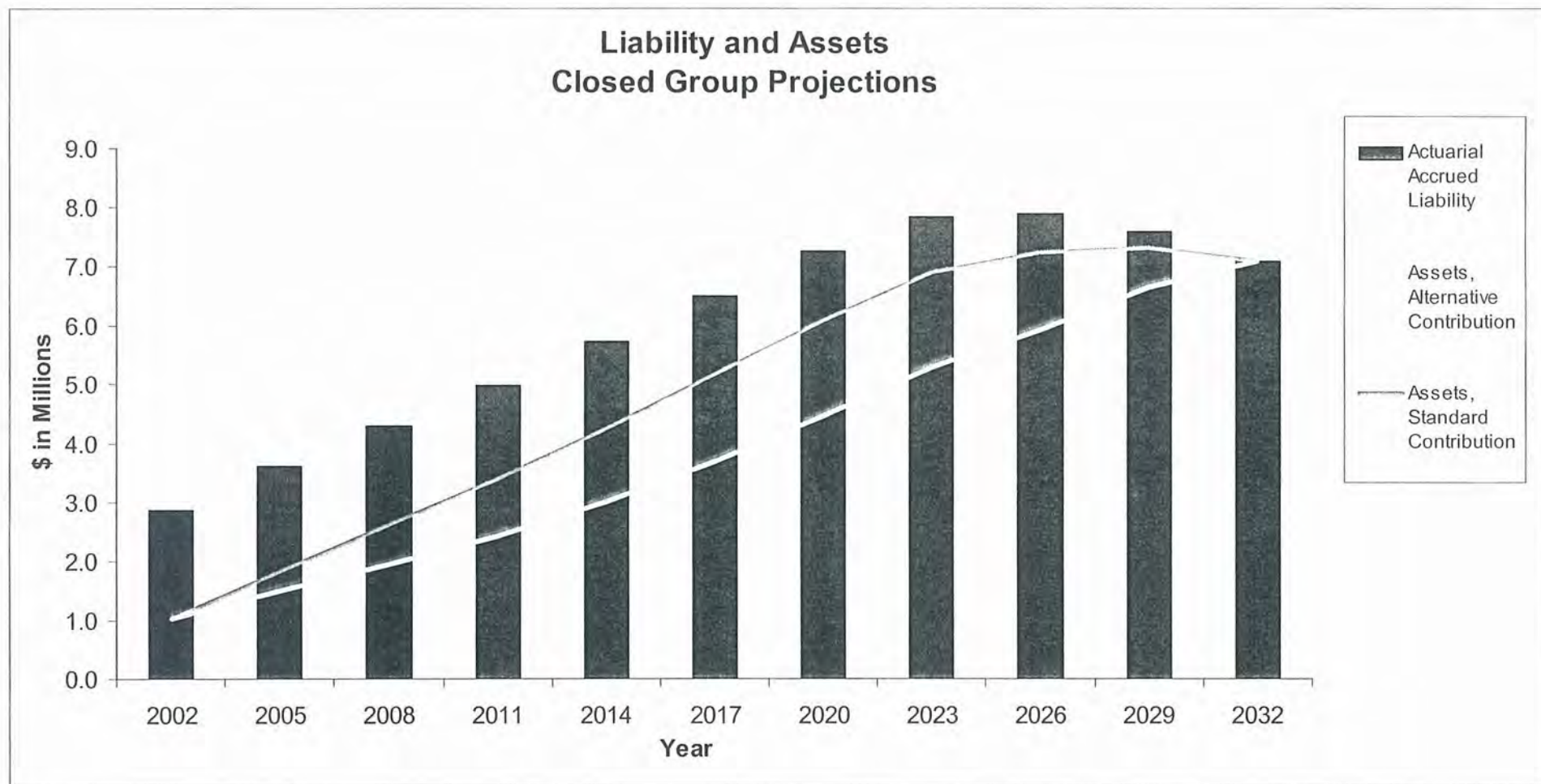
Graph 13 shows the expected cash flow under the standard contribution funding policy. In this case, employer contributions of approximately \$181,000 will be required in 2002. After 2002, contributions will decline until 2032 when the principal and investment earnings in the fund will be sufficient to pay for future retiree benefits and no employer contributions will be needed.

Graph 14 shows the expected cash flow under the alternative contribution funding policy. In this case, employer contributions will increase significantly from \$77,000 in 2002 to \$499,000 in 2030, which is an increase of over 548%. Our projections assume the employer will make additional contributions to the extent necessary to ensure retiree benefits are paid.



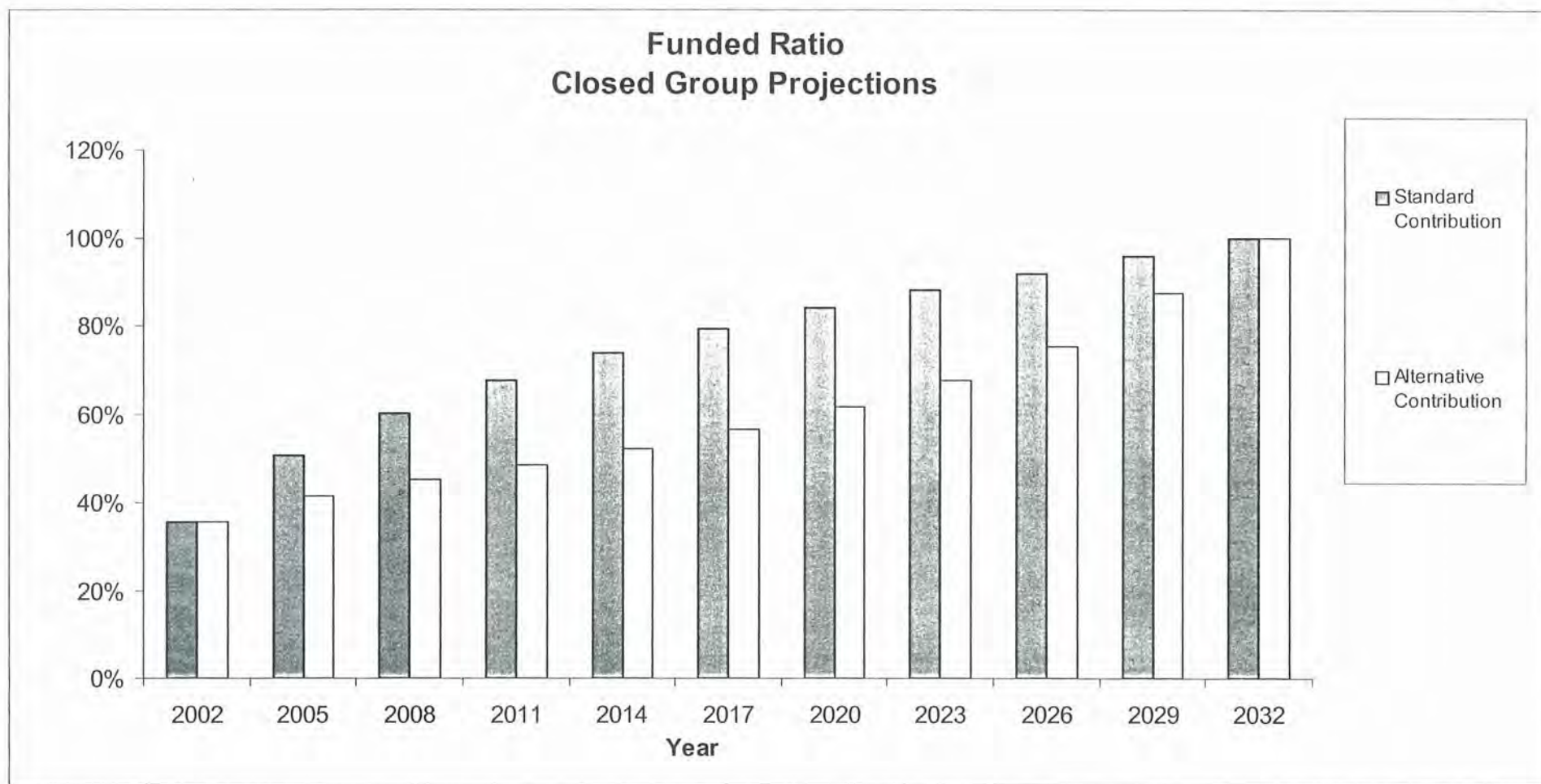
## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 11



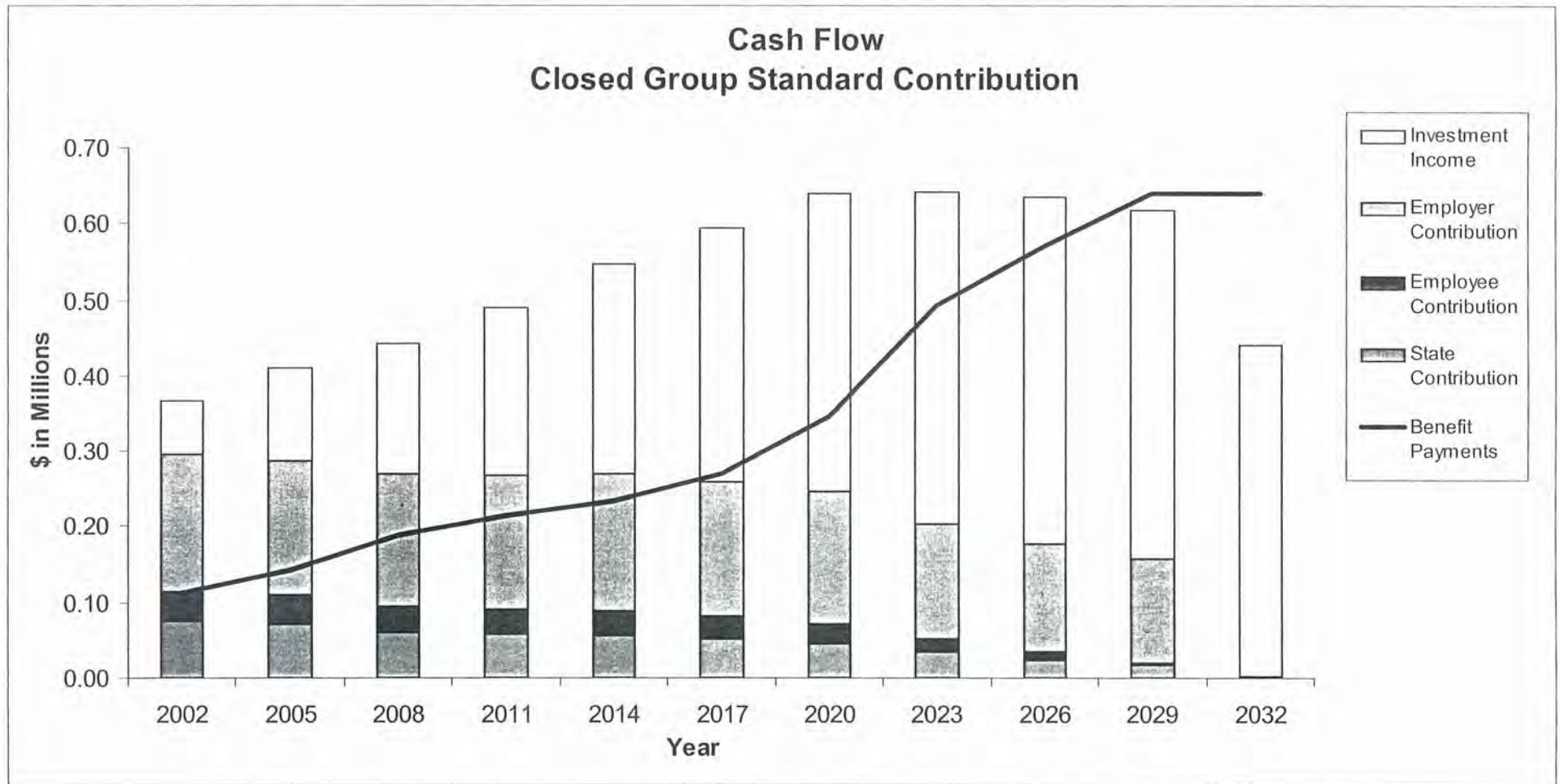
## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 12



## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

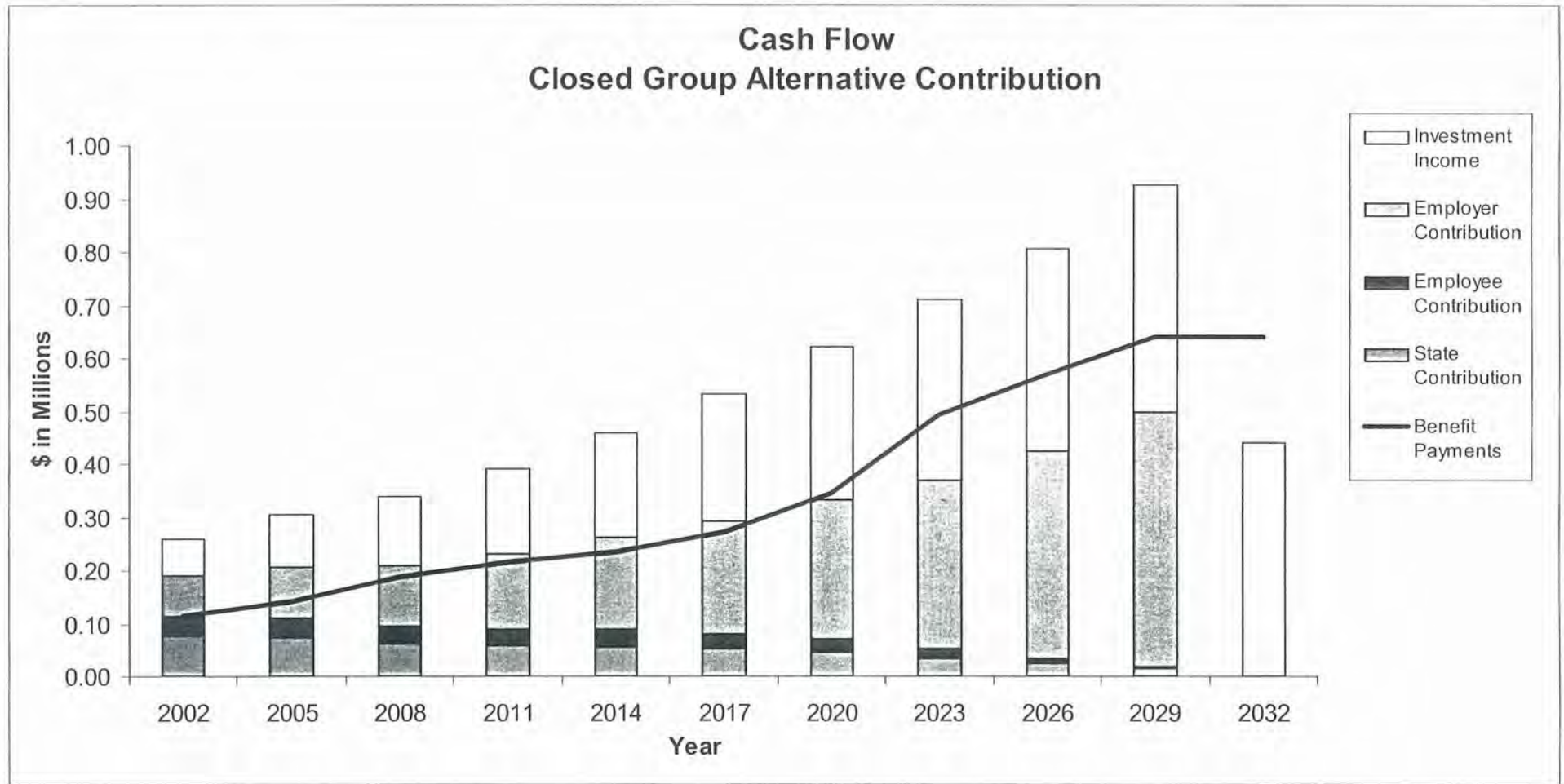
**Graph 13**





## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

Graph 14



## City of Nitro Policemen's Pension and Relief Fund Actuarial Projections

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### **Observations and Conclusions**

The City of Nitro Policemen's Pension and Relief Fund is financed using the alternative minimum funding method as defined in the West Virginia statutes. By definition, this method will force contributions to increase at rate of at least 7% per year. Initially, the increase in contributions when expressed in dollars appears to be manageable. However, after 30 years the contribution will grow to over 44% of compensation and the funded ratio is expected to be 78%.

The statutes also allow funding the Plan using the standard minimum method which is a more traditional actuarial approach. Contributions under this method, normal cost plus amortization of the unfunded actuarial liability, are initially 33% of compensation but will decline steadily and drop to 23% after 30 years. In this case, contributions in the short-term may be difficult for the City to finance.

We have suggested a contribution policy which falls in between the alternative and standard funding policies and produces a target funded ratio of 100% by 2032. Under the suggested policy, contribution rates will start at 23%, increase steadily to about 31% in 2005, remain level thereafter, and drop to 23% in 2032. This method could also be difficult for the City to finance but it does illustrate an approach that will help the Plan maintain a reasonable funded status after 30 years as indicated by the projected funded ratio of 100%.

## SECTION III

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Information



## City of Nitro Policemen's Pension and Relief Fund

### GASB Information

#### Funding Program and Employer Contributions

#### Schedule C

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Market Value of Assets	Market
Actuarial Cost Method	Entry Age Normal
Remaining Amortization Period	29 Years
<b>Schedule of Funding Progress</b>	
Actuarial Valuation Date	July 1, 2002
1. Market Value of Assets	\$1,017,115
2. Actuarial Accrued Liability	\$2,861,435
3. Unfunded Actuarial Accrued Liability (2 - 1)	\$1,844,320
4. Funded Ratio (1/2)	36%
5. Covered Payroll	\$546,580
6. UAAL as Percentage of Covered Payroll (3/5)	337%
<b>Schedule of Employer Contributions</b>	
1. Annual Required Contribution	
(a) Employer Normal Cost	\$123,387
(b) Amortization of Unfunded Actuarial Accrued Liability	\$134,167
(c) Annual Required Contribution (ARC) (a + b)	\$257,554
2. Employer Contribution	\$77,040
3. STO Contribution	\$76,079
4. Percentage of ARC Contributed [ (2 + 3)/1(c)]	59%

## City of Nitro Policemen's Pension and Relief Fund

### GASB Information

#### Annual Pension Cost and Contributions <sup>a</sup>

#### Schedule D

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Market Value of Assets	Market
Actuarial Cost Method	Entry Age Normal
Remaining Amortization Period	29 Years

#### Annual Pension Cost and Contributions

July 1, 2002

#### 1. Annual Pension Cost for FYE June 30, 2003

(a) Annual Required Contribution (ARC) for FYE June 30, 2003	\$257,554
(b) Interest on Net Pension Obligation (NPO) as of July 1, 2002 <sup>b</sup>	TBD
(c) Adjustment to ARC <sup>b</sup>	TBD
(d) Annual Pension Cost (a + b + c)	TBD

#### 2. Net Pension Obligation as of June 30, 2003

(a) NPO as of July 1, 2002 <sup>b</sup>	TBD
(b) Annual Pension Cost for FYE June 30, 2003	TBD
(c) Employer Contribution	\$77,040
(d) STO Contributions	\$76,079
(e) NPO as of June 30, 2003 (a + b - c - d) <sup>b</sup>	TBD

#### Pension Cost Summary

Fiscal Year End	June 30, 2003
1. Annual Pension Cost	TBD
2. Employer Contribution	\$77,040
3. STO Contribution	\$76,079
4. Percentage of Annual Pension Cost Contributed [ (2 + 3) / 1 ]	TBD
5. Net Pension Obligation (estimated)	TBD

<sup>a</sup> Employer minimum required contributions are defined according to the West Virginia Code. Employees contribute 7% of pay.

<sup>b</sup> NPO as of July 1, 2002 was not provided. (To be determined.)

**City of Nitro Policemen's Pension and Relief Fund**  
**GASB Information**

**Annual Pension Cost and Contributions <sup>a</sup>**

**Schedule D**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Market Value of Assets	Market
Actuarial Cost Method	Entry Age Normal
Remaining Amortization Period	29 Years
<b>Annual Pension Cost and Contributions</b>	
	July 1, 2002
1. Annual Pension Cost for FYE June 30, 2003	
(a) Annual Required Contribution (ARC) for FYE June 30, 2003	\$257,554
(b) Interest on Net Pension Obligation (NPO) as of July 1, 2002 <sup>b</sup>	TBD
(c) Adjustment to ARC <sup>b</sup>	TBD
(d) Annual Pension Cost (a + b + c)	TBD
2. Net Pension Obligation as of June 30, 2003	
(a) NPO as of July 1, 2002 <sup>b</sup>	TBD
(b) Annual Pension Cost for FYE June 30, 2003	TBD
(c) Employer Contribution	\$77,040
(d) STO Contributions	\$76,079
(e) NPO as of June 30, 2003 (a + b - c - d) <sup>b</sup>	TBD
<b>Pension Cost Summary</b>	
Fiscal Year End	June 30, 2003
1. Annual Pension Cost	TBD
2. Employer Contribution	\$77,040
3. STO Contribution	\$76,079
4. Percentage of Annual Pension Cost Contributed [ (2 + 3) / 1 ]	TBD
5. Net Pension Obligation (estimated)	TBD

<sup>a</sup> Employer minimum required contributions are defined according to the West Virginia Code. Employees contribute 7% of pay.

<sup>b</sup> NPO as of July 1, 2002 was not provided. (To be determined.)



## **SECTION IV**

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Valuation Data as of July 1, 2002

**City of Nitro Policemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

**Reconciliation of Assets****Schedule E**

A. Market Value of Assets as of July 1, 2001	\$961,393
1. Revenue During Fiscal Year	
(a) Employee Contribution	\$30,073
(b) Governmental Contribution	
(i) From Local Government	\$72,000
(ii) From State Government	\$73,863
(iii) Total	\$145,863
(c) Earnings on Investments	
(i) Net Appreciation (Depreciation)	(\$34,686)
(ii) Bond Interest	\$34,051
(iii) Dividends	\$3,399
(iv) Net Realized Gain (Loss) on Sale or Exchange	(\$1,840)
(v) Other	\$0
(vi) Investment Expense	(\$5,824)
(vii) Total	(\$4,900)
(d) Other Revenue	\$0
(e) Receivable Contribution <sup>a</sup>	\$0
(f) Total Revenue ( sum of (a) through (e))	\$171,036
2. Expenditures During Fiscal Year	
(a) Benefits Paid	\$112,914
(b) Withdrawals	\$0
(c) Administrative Expenses	\$2,400
(d) Total Expenditures ( sum of (a) through (c))	\$115,314
B. Market Value of Assets as of June 30, 2002	
[A + 1(f) - 2(d)]	\$1,017,115

<sup>a</sup> Receivable contributions for plan year ending June 30, 2002.

**City of Nitro Policemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

**Assets Held by Category**

**Schedule F**

Market Value of Assets as of June 30, 2002		
1. Cash and Short-term Investments	\$28,188	3%
2. Government Securities		
(a) Treasury Notes and Bonds	\$418,485	
(b) State and Municipal Bonds	\$0	
(c) Total Government Securities	\$418,485	41%
3. Corporate Bonds		
(a) Bonds	\$30,597	
(b) Mortgage Backed Securities	\$0	
(c) Debentures	\$0	
(d) Mutual Fund Shares (Bonds)	\$43,901	
(e) Total Corporate Bonds	\$74,498	7%
4. Corporate Stocks		
(a) Stocks	\$413,919	
(b) Mutual Fund Shares (Stocks)	\$0	
(c) Total Corporate Stocks	\$413,919	41%
5. Other	\$8,162	1%
6. Receivable Contribution <sup>a</sup>	\$73,863	7%
Market Value of Assets as of June 30, 2002		
[ sum of (1) through (6) ]		\$1,017,115

<sup>a</sup> Receivable contributions for plan year ending June 30, 2002.



**City of Nitro Policemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

**Distribution of Active Employees by Age and Length of Service**

**Schedule G**

Attained	Years of Service to Valuation Date									Totals	Valuation
Age	Less than 1	1-4	5-9	10-14	15-19	20-24	25-29	30-34	Over 35		Payroll
Under 20										0	\$ 0
20-24	1									1	32,511
25-29	3	2	1							6	200,691
30-34	1	1	2	1						5	163,269
35-39										0	0
40-44			1			1				2	73,528
45-49					1					1	39,508
50-54					1					1	37,073
55-59										0	0
60-64										0	0
65-69										0	0
Over 70										0	0
<b>Totals</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>\$ 546,580</b>
<b>Averages</b> _____											
Age:				34.0 years							
Service:				6.8 years							
Annual Pay:				\$34,161							

**City of Nitro Policemen's Pension and Relief Fund**  
**Valuation Data as of July 1, 2002**

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**Inactive Participants****Schedule H**

Type	No.	Annual Benefit
Retirees	2	\$36,315.96
Surviving Spouses	0	\$0.00
Disabled Members	5	\$76,598.52
Deferred Vested Members	0	\$0.00

## SECTION V

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Actuarial Assumptions and Methods



**City of Nitro Policemen's Pension and Relief Fund**  
**Actuarial Assumptions and Methods**  
**used in the Valuation as of July 1, 2002**

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Discount Rate <sup>a</sup>	6.50%
General Inflation	3.0%
Expected Salary Increase	<p>General Inflation: 3.0% <i>plus</i></p> <p>Wage Inflation: 1.0% <i>plus</i></p> <p>Service Based Increase: 3.0% at 1 year of service graded down to 1.0% after 4 years of service</p>
Post-retirement COLA	Same as General Inflation
Increase in STO pension contribution derived from premium tax	3.0%
Cost Method	Entry-Age Normal Level Percentage of Pay
Asset Method	Market Value

<sup>a</sup> The discount rate was determined based on the funded ratio and equity exposure as of July 1, 2002 . As of July 1, 2002, the funded ratio using a discount rate of 7%, was 37.8% and the equity exposure was 41%. Given the funded ratio and the equity exposure, a discount rate of 6.50% is recommended.

**City of Nitro Policemen's Pension and Relief Fund**  
**Actuarial Assumptions and Methods**  
**used in the Valuation as of July 1, 2002**  
**(Cont'd)**

Turnover	Sample Rates –	
	<u>Age</u>	<u>Rates</u>
	25	6%
	35	4%
	45	2%
	50	0%
Retirement	<u>Age</u>	<u>Rates</u>
	50	50%
	51-54	20%
	55	100%
Mortality	Healthy : 1983 Group Annuity Mortality, set forward 2 years	
	Disabled: Healthy rates set forward 10 years	
Disability	Sample Rates –	
	<u>Age</u>	<u>Rates<sup>a</sup></u>
	30	0.2%
	40	1.0%
	50	2.0%
	<sup>a</sup> Assumes 75% duty related and 25% non-duty related.	
Percent Married	90%	
Spouse Age	Females 3 years younger than males	

## **SECTION VI**

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### Summary of Principal Plan Provisions



## City of Nitro Policemen's Pension and Relief Fund

### Summary of Principal Plan Provisions

### Actuarial Valuation as of July 1, 2002

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**Eligibility**—All compensated employees of the Police Department are eligible to participate in the Policemen's Pension and Relief Fund

**Contributions** — Participating employees contribute 7% of compensation. The municipality has elected to contribute the minimum employer contribution under the alternative funding requirement.

**Average Annual Compensation** — Average annual compensation received during the three twelve-consecutive month periods of employment which produces the highest average.

**Normal Retirement**— Members are eligible at the earlier of age 50 with 20 years of service or age 65.

The annual retirement benefit equals 60% of average annual compensation, not less than \$6,000, plus an additional percentage of average annual compensation for service over 20 years equal to 2% for each year of service between 20 and 25 and 1% for each year of service between 25 and 30 years. Employees serving in the military are eligible for an additional 1% of average annual compensation for each year of military service up to four years. The maximum benefit is limited to 75% of average annual compensation. Benefits continue for life.

**Disability Retirement**— Members are eligible after earning five years of service. No service requirement if disability is service related.

The monthly disability benefit equals the greater of 60% of monthly salary at disability or \$500. Employees serving in the military are eligible for an additional benefit of 1% of monthly salary at disability for each year of military service up to 4 years. Disability benefits, when aggregated with monthly state workers compensation benefits, shall not exceed 100% of the member's monthly compensation at the time of disability. Benefits continue for life or until recovery.

**Death Benefits**— Members are eligible after earning five years of service. No service requirement if death is service related. Retirees and terminated vested participants are also eligible.

The benefit is equal to 60% of the participant's benefit, but not less than \$300 per month, payable to the spouse until death or remarriage. Other dependents (children, parents, brothers, and sisters) are also eligible for death benefits.

**Supplemental Pension Benefits**— All retirees, surviving beneficiaries and disability pensioners are eligible for automatic cost of living benefits commencing on the first day of July following two years of retirement. The benefits equals the percentage increase in the Consumer Price Index, limited to 4% ( 2% for some disability retirees), multiplied by the allowable amount which is the first \$15,000 of total annual benefit paid.

**Termination Benefits**—Any member who terminates employment prior to retirement will be entitled to a refund of contributions without interest.

## **SECTION VII**

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### Appendix – Projection Data

## Appendix I

**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1, 2002	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability		\$2,861,435	\$3,097,516	\$3,347,410	\$3,607,911	\$3,851,515	\$4,078,679	\$4,304,951	\$4,528,901
2. Market Value of Assets		\$1,017,115	\$1,163,961	\$1,322,204	\$1,490,700	\$1,651,728	\$1,797,953	\$1,947,200	\$2,095,894
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$1,844,320	\$1,933,555	\$2,025,206	\$2,117,211	\$2,199,787	\$2,280,726	\$2,357,751	\$2,433,007
4. Funded Ratio ( 2 / 1 )		36%	38%	40%	41%	43%	44%	45%	46%
5. Compensation		\$546,580	\$550,589	\$554,391	\$549,492	\$495,645	\$493,520	\$474,222	\$470,708
6. Employee Contributions		\$38,261	\$38,541	\$38,807	\$38,464	\$34,695	\$34,546	\$33,196	\$32,950
7. Gross Normal Cost		\$161,648	\$163,032	\$162,732	\$151,818	\$141,226	\$138,124	\$134,796	\$133,938
8. Net Employer Normal Cost ( 7-6 )		\$123,387	\$124,491	\$123,925	\$113,354	\$106,531	\$103,578	\$101,600	\$100,988
9. Amortization of UAAL		\$134,167	\$142,435	\$151,221	\$160,421	\$169,335	\$178,598	\$188,090	\$198,047
10. Estimated State Insurance Premium Tax Allocation		\$76,079	\$75,021	\$74,097	\$72,363	\$65,642	\$64,565	\$61,467	\$60,305
11. Net Employer Amortization (9-10, not less than zero)		\$58,088	\$67,414	\$77,124	\$88,058	\$103,693	\$114,033	\$126,623	\$137,742
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$77,040	\$82,433	\$88,203	\$94,377	\$100,984	\$108,053	\$115,616	\$123,709
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$77,040 14%	\$82,433 15%	\$88,203 16%	\$94,377 17%	\$100,984 20%	\$108,053 22%	\$115,616 24%	\$123,709 26%
16. Benefit Payments		\$113,149	\$115,969	\$121,113	\$143,059	\$163,662	\$175,787	\$188,839	\$195,812
17. Number of Active Members		16.0	15.3	14.6	13.7	11.9029	11.3	10.3	9.8
18. Number of Inactive Members		7.0	7.7	8.4	9.2	11.0471	11.6	12.6	13.2

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$4,759,464	\$4,992,612	\$5,230,734	\$5,477,741	\$5,735,021	\$6,002,784	\$6,260,732	\$6,512,643
2. Market Value of Assets	\$2,253,957	\$2,419,706	\$2,594,506	\$2,783,971	\$2,989,271	\$3,213,766	\$3,444,410	\$3,680,296
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$2,505,507	\$2,572,906	\$2,636,228	\$2,693,770	\$2,745,750	\$2,789,018	\$2,816,322	\$2,832,347
4. Funded Ratio ( 2 /1 )	47%	48%	50%	51%	52%	54%	55%	57%
5. Compensation	\$468,633	\$459,475	\$462,129	\$458,481	\$463,760	\$458,618	\$418,768	\$423,813
6. Employee Contributions	\$32,804	\$32,163	\$32,349	\$32,094	\$32,463	\$32,103	\$29,314	\$29,667
7. Gross Normal Cost	\$132,058	\$130,891	\$130,889	\$131,213	\$131,109	\$123,636	\$117,588	\$119,128
8. Net Employer Normal Cost ( 7-6 )	\$99,254	\$98,728	\$98,540	\$99,119	\$98,646	\$91,533	\$88,274	\$89,461
9. Amortization of UAAL	\$208,471	\$219,256	\$230,591	\$242,451	\$254,997	\$268,106	\$281,243	\$295,044
10. Estimated State Insurance Premium Tax Allocation	\$59,334	\$57,758	\$57,316	\$56,206	\$56,078	\$55,109	\$51,388	\$51,373
11. Net Employer Amortization (9-10, not less than zero)	\$149,137	\$161,498	\$173,275	\$186,245	\$198,919	\$212,997	\$229,855	\$243,671
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)	NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%	\$132,369	\$141,635	\$151,549	\$162,158	\$173,509	\$185,654	\$198,650	\$212,556
14. Excess Employer Contribution to Cover Benefit Payments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )	\$132,369 28%	\$141,635 31%	\$151,549 33%	\$162,158 35%	\$173,509 37%	\$185,654 40%	\$198,650 47%	\$212,556 50%
16. Benefit Payments	\$205,862	\$214,580	\$221,038	\$226,871	\$232,794	\$251,791	\$267,725	\$270,717
17. Number of Active Members	9.3	8.7	8.3	7.8	7.5	7.1	6.3	6.1
18. Number of Inactive Members	13.7	14.2	14.6	15.0	15.3	15.7	16.4	16.6

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

## Appendix I

**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability		\$6,779,467	\$7,025,144	\$7,243,977	\$7,467,789	\$7,681,603	\$7,828,948	\$7,890,036	\$7,900,244
2. Market Value of Assets		\$3,943,126	\$4,206,449	\$4,458,861	\$4,735,522	\$5,028,694	\$5,293,884	\$5,511,329	\$5,715,040
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$2,836,341	\$2,818,695	\$2,785,116	\$2,732,267	\$2,652,909	\$2,535,064	\$2,378,707	\$2,185,204
4. Funded Ratio ( 2 / 1 )		58%	60%	62%	63%	65%	68%	70%	72%
5. Compensation		\$429,617	\$379,817	\$376,679	\$375,795	\$345,844	\$251,178	\$180,816	\$149,631
6. Employee Contributions		\$30,073	\$26,587	\$26,368	\$26,306	\$24,209	\$17,582	\$12,657	\$10,474
7. Gross Normal Cost		\$113,228	\$105,888	\$105,416	\$100,730	\$83,020	\$59,437	\$44,599	\$38,320
8. Net Employer Normal Cost ( 7-6 )		\$83,155	\$79,301	\$79,048	\$74,424	\$58,811	\$41,855	\$31,942	\$27,846
9. Amortization of UAAL		\$309,687	\$324,396	\$340,112	\$356,874	\$374,242	\$390,941	\$407,242	\$423,844
10. Estimated State Insurance Premium Tax Allocation		\$51,430	\$45,966	\$45,232	\$44,733	\$41,893	\$33,946	\$27,834	\$25,333
11. Net Employer Amortization (9-10, not less than zero)		\$258,257	\$278,430	\$294,880	\$312,141	\$332,349	\$356,995	\$379,408	\$398,511
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$227,435	\$243,355	\$260,390	\$278,617	\$298,120	\$318,989	\$341,318	\$365,210
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$227,435 53%	\$243,355 64%	\$260,390 69%	\$278,617 74%	\$298,120 86%	\$318,989 127%	\$341,318 189%	\$365,210 244%
16. Benefit Payments		\$302,136	\$336,264	\$344,746	\$363,839	\$423,986	\$493,248	\$531,545	\$550,856
17. Number of Active Members		5.9	4.9	4.6	4.4	3.8	2.7	1.9	1.5
18. Number of Inactive Members		16.7	17.6	17.8	18.0	18.4	19.4	20.1	20.4

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Closed Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability		\$7,884,700	\$7,840,809	\$7,740,412	\$7,597,988	\$7,439,781	\$7,267,094	\$7,082,185
2. Market Value of Assets		\$5,931,886	\$6,166,783	\$6,399,456	\$6,642,257	\$6,928,486	\$7,250,373	\$7,081,791
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$1,952,814	\$1,674,026	\$1,340,956	\$955,731	\$511,295	\$16,721	\$394
4. Funded Ratio ( 2 /1 )		75%	79%	83%	87%	93%	100%	100%
5. Compensation		\$136,379	\$102,099	\$40,529	\$33,802	\$20,731	\$17,276	\$8,603
6. Employee Contributions		\$9,547	\$7,147	\$2,837	\$2,366	\$1,451	\$1,209	\$602
7. Gross Normal Cost		\$31,684	\$18,767	\$9,624	\$7,004	\$4,785	\$3,246	\$1,074
8. Net Employer Normal Cost ( 7-6 )		\$22,137	\$11,620	\$6,787	\$4,638	\$3,334	\$2,037	\$472
9. Amortization of UAAL		\$441,234	\$458,829	\$475,411	\$492,907	\$511,295	\$16,721	\$394
10. Estimated State Insurance Premium Tax Allocation		\$24,381	\$21,532	\$16,988	\$16,630	\$15,813	\$15,741	\$394
11. Net Employer Amortization (9-10, not less than zero)		\$416,853	\$437,297	\$458,423	\$476,277	\$495,482	\$980	\$0
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)		\$438,990	\$448,917	\$465,210	\$480,915	\$498,816	\$3,017	\$472
13. Prior Year Alternative Contribution x 107%		\$390,775	\$418,129	\$447,398	\$478,716	\$512,227	\$533,734	\$3,228
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup>		\$390,775	\$418,129	\$447,398	\$478,716	\$498,816	\$3,017	\$472
( % of Compensation )		287%	410%	1,104%	1,416%	2,406%	17%	5%
16. Benefit Payments		\$570,708	\$609,763	\$635,019	\$638,720	\$640,563	\$639,990	\$640,211
17. Number of Active Members		1.3	0.9	0.4	0.3	0.2	0.1	0.1
18. Number of Inactive Members		20.4	20.6	20.9	20.8	20.7	20.5	20.3

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



## Appendix II

**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability	\$2,861,435	\$3,110,702	\$3,378,661	\$3,665,147	\$3,964,600	\$4,256,040	\$4,562,585	\$4,879,252
2. Market Value of Assets	\$1,017,115	\$1,163,961	\$1,326,546	\$1,503,992	\$1,680,451	\$1,857,804	\$2,045,452	\$2,243,736
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,844,320	\$1,946,741	\$2,052,115	\$2,161,155	\$2,284,149	\$2,398,236	\$2,517,133	\$2,635,516
4. Funded Ratio ( 2 / 1 )	36%	37%	39%	41%	42%	44%	45%	46%
5. Compensation	\$546,580	\$562,977	\$579,866	\$597,262	\$615,180	\$633,636	\$652,645	\$672,224
6. Employee Contributions	\$38,261	\$39,408	\$40,591	\$41,808	\$43,063	\$44,355	\$45,685	\$47,056
7. Gross Normal Cost	\$161,648	\$166,497	\$171,492	\$176,637	\$181,936	\$187,394	\$193,016	\$198,807
8. Net Employer Normal Cost ( 7-6 )	\$123,387	\$127,089	\$130,901	\$134,829	\$138,873	\$143,039	\$147,331	\$151,751
9. Amortization of UAAL	\$134,167	\$143,406	\$153,230	\$163,750	\$175,829	\$187,800	\$200,805	\$214,531
10. Estimated State Insurance Premium Tax Allocation	\$76,079	\$78,362	\$80,712	\$83,134	\$85,628	\$88,197	\$90,843	\$93,568
11. Net Employer Amortization (9-10, not less than zero)	\$58,088	\$65,044	\$72,518	\$80,616	\$90,201	\$99,603	\$109,962	\$120,963
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )	NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%	\$77,040	\$82,433	\$88,203	\$94,377	\$100,984	\$108,053	\$115,616	\$123,709
14. Excess Employer Contribution to Cover Benefit Payments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )	\$77,040 14%	\$82,433 15%	\$88,203 15%	\$94,377 16%	\$100,984 16%	\$108,053 17%	\$115,616 18%	\$123,709 18%
16. Benefit Payments	\$113,149	\$115,969	\$121,113	\$143,059	\$163,662	\$175,787	\$188,839	\$195,812
17. Number of Active Members	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
18. Number of Inactive Members	7.0	7.7	8.4	9.2	11.0	11.6	12.6	13.2

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability		\$5,215,756	\$5,570,405	\$5,945,951	\$6,346,290	\$6,773,891	\$7,230,650	\$7,706,100	\$8,203,037
2. Market Value of Assets		\$2,460,292	\$2,693,843	\$2,947,624	\$3,226,086	\$3,532,335	\$3,868,991	\$4,225,507	\$4,607,363
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$2,755,464	\$2,876,562	\$2,998,327	\$3,120,204	\$3,241,556	\$3,361,659	\$3,480,593	\$3,595,674
4. Funded Ratio ( 2 / 1 )		47%	48%	50%	51%	52%	54%	55%	56%
5. Compensation		\$692,391	\$713,163	\$734,558	\$756,594	\$779,292	\$802,671	\$826,751	\$851,554
6. Employee Contributions		\$48,467	\$49,921	\$51,419	\$52,962	\$54,550	\$56,187	\$57,873	\$59,609
7. Gross Normal Cost		\$204,771	\$210,914	\$217,241	\$223,759	\$230,471	\$237,386	\$244,507	\$251,842
8. Net Employer Normal Cost ( 7-6 )		\$156,304	\$160,993	\$165,822	\$170,797	\$175,921	\$181,199	\$186,634	\$192,233
9. Amortization of UAAL		\$229,268	\$245,133	\$262,264	\$280,832	\$301,043	\$323,153	\$347,578	\$374,559
10. Estimated State Insurance Premium Tax Allocation		\$96,375	\$99,266	\$102,244	\$105,311	\$108,471	\$111,725	\$115,077	\$118,529
11. Net Employer Amortization (9-10, not less than zero)		\$132,893	\$145,867	\$160,020	\$175,521	\$192,572	\$211,428	\$232,501	\$256,030
12. Standard Contribution ( 8+11, if Funded Ratio > 75%)		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$132,369	\$141,635	\$151,549	\$162,158	\$173,509	\$185,654	\$198,650	\$212,556
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$132,369 19%	\$141,635 20%	\$151,549 21%	\$162,158 21%	\$173,509 22%	\$185,654 23%	\$198,650 24%	\$212,556 25%
16. Benefit Payments		\$205,862	\$214,580	\$221,038	\$226,871	\$232,794	\$251,791	\$267,725	\$273,079
17. Number of Active Members		16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
18. Number of Inactive Members		13.7	14.2	14.6	15.0	15.3	15.7	16.4	16.6

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



## Appendix II

**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability		\$8,734,919	\$9,283,411	\$9,837,393	\$10,427,558	\$11,045,576	\$11,658,239	\$12,243,716	\$12,835,988
2. Market Value of Assets		\$5,028,218	\$5,467,313	\$5,921,839	\$6,420,586	\$6,956,885	\$7,492,307	\$8,018,983	\$8,570,000
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$3,706,701	\$3,816,098	\$3,915,554	\$4,006,972	\$4,088,691	\$4,165,932	\$4,224,733	\$4,265,988
4. Funded Ratio ( 2 / 1 )		58%	59%	60%	62%	63%	64%	65%	67%
5. Compensation		\$877,100	\$903,413	\$930,516	\$958,431	\$987,184	\$1,016,799	\$1,047,303	\$1,078,723
6. Employee Contributions		\$61,397	\$63,239	\$65,136	\$67,090	\$69,103	\$71,176	\$73,311	\$75,511
7. Gross Normal Cost		\$259,398	\$267,180	\$275,195	\$283,451	\$291,954	\$300,713	\$309,734	\$319,026
8. Net Employer Normal Cost ( 7-6 )		\$198,001	\$203,941	\$210,059	\$216,361	\$222,851	\$229,537	\$236,423	\$243,515
9. Amortization of UAAL		\$404,718	\$439,185	\$478,158	\$523,370	\$576,786	\$642,443	\$723,288	\$827,435
10. Estimated State Insurance Premium Tax Allocation		\$122,085	\$125,747	\$129,520	\$133,405	\$137,408	\$141,530	\$145,776	\$150,149
11. Net Employer Amortization (9-10, not less than zero)		\$282,633	\$313,438	\$348,638	\$389,965	\$439,378	\$500,913	\$577,512	\$677,286
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )		NA	NA	NA	NA	NA	NA	NA	NA
13. Prior Year Alternative Contribution x 107%		\$227,435	\$243,355	\$260,390	\$278,617	\$298,120	\$318,989	\$341,318	\$365,210
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$227,435 26%	\$243,355 27%	\$260,390 28%	\$278,617 29%	\$298,120 30%	\$318,989 31%	\$341,318 33%	\$365,210 34%
16. Benefit Payments		\$302,136	\$336,264	\$344,746	\$363,839	\$423,986	\$493,248	\$531,545	\$550,856
17. Number of Active Members		16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
18. Number of Inactive Members		16.7	17.6	17.8	18.0	18.4	19.4	20.1	20.4

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test



**City of Nitro Policemen's Pension Fund**  
**Alternative Minimum Contribution – Open Group**  
**( Including 15-year Solvency Projection )**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Additional 2002 Contribution to Satisfy Solvency Test	\$0

	July 1, 2002	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability		\$13,457,179	\$14,108,919	\$14,773,698	\$15,466,932	\$16,203,768	\$16,987,127	\$17,820,126
2. Market Value of Assets		\$9,168,345	\$9,818,464	\$10,505,960	\$11,249,697	\$12,068,624	\$12,969,857	\$13,961,137
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$4,288,834	\$4,290,455	\$4,267,738	\$4,217,235	\$4,135,144	\$4,017,270	\$3,858,989
4. Funded Ratio ( 2 / 1 )		68%	70%	71%	73%	74%	76%	78%
5. Compensation		\$1,111,084	\$1,144,417	\$1,178,749	\$1,214,112	\$1,250,535	\$1,288,051	\$1,326,693
6. Employee Contributions		\$77,776	\$80,109	\$82,512	\$84,988	\$87,537	\$90,164	\$92,868
7. Gross Normal Cost		\$328,597	\$338,455	\$348,609	\$359,067	\$369,839	\$380,934	\$392,362
8. Net Employer Normal Cost ( 7-6 )		\$250,821	\$258,346	\$266,097	\$274,079	\$282,302	\$290,770	\$299,494
9. Amortization of UAAL		\$969,053	\$1,175,958	\$1,513,046	\$2,174,990	\$4,135,144	\$4,017,270	\$3,858,989
10. Estimated State Insurance Premium Tax Allocation		\$154,653	\$159,293	\$164,072	\$168,994	\$174,064	\$179,286	\$184,664
11. Net Employer Amortization (9-10, not less than zero)		\$814,400	\$1,016,665	\$1,348,974	\$2,005,996	\$3,961,080	\$3,837,984	\$3,674,325
12. Standard Contribution ( 8+11, if Funded Ratio > 75% )		NA	NA	NA	NA	NA	\$4,128,754	\$3,973,819
13. Prior Year Alternative Contribution x 107%		\$390,775	\$418,129	\$447,398	\$478,716	\$512,227	\$548,082	\$586,448
14. Excess Employer Contribution to Cover Benefit Payments		\$0	\$0	\$0	\$0	\$0	\$0	\$0
15. Alternative Minimum Employer Contribution (min of 12 and 13, plus 14) <sup>a</sup> ( % of Compensation )		\$390,775 35%	\$418,129 37%	\$447,398 38%	\$478,716 39%	\$512,227 41%	\$548,082 43%	\$586,448 44%
16. Benefit Payments		\$570,708	\$609,763	\$635,019	\$647,720	\$660,674	\$673,888	\$687,365
17. Number of Active Members		16.0	16.0	16.0	16.0	16.0	16.0	16.0
18. Number of Inactive Members		20.4	20.6	20.9	20.9	20.9	20.9	20.9

<sup>a</sup> Plus additional 2002 contribution to satisfy solvency test

## Appendix III

### City of Nitro Policemen's Pension Fund

#### Standard Minimum Contribution – Closed Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

	July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability		\$2,861,435	\$3,097,516	\$3,347,410	\$3,607,911	\$3,851,515	\$4,078,679	\$4,304,951	\$4,528,901
2. Market Value of Assets		\$1,017,115	\$1,271,737	\$1,541,767	\$1,824,071	\$2,091,159	\$2,343,773	\$2,597,453	\$2,851,089
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$1,844,320	\$1,825,779	\$1,805,643	\$1,783,840	\$1,760,356	\$1,734,906	\$1,707,498	\$1,677,812
4. Funded Ratio ( 2 / 1 )		36%	41%	46%	51%	54%	57%	60%	63%
5. Compensation		\$546,580	\$550,589	\$554,391	\$549,492	\$495,645	\$493,520	\$474,222	\$470,708
6. Employee Contributions		\$38,261	\$38,541	\$38,807	\$38,464	\$34,695	\$34,546	\$33,196	\$32,950
7. Gross Normal Cost		\$161,648	\$163,032	\$162,732	\$151,818	\$141,226	\$138,124	\$134,796	\$133,938
8. Net Employer Normal Cost ( 7-6 )		\$123,387	\$124,491	\$123,925	\$113,354	\$106,531	\$103,578	\$101,600	\$100,988
9. Amortization of UAAL		\$134,167	\$134,496	\$134,826	\$135,161	\$135,508	\$135,856	\$136,216	\$136,574
10. Estimated State Insurance Premium Tax Allocation		\$76,079	\$75,021	\$74,097	\$72,363	\$65,642	\$64,565	\$61,467	\$60,305
11. Net Employer Amortization (9-10, not less than zero)		\$58,088	\$59,475	\$60,729	\$62,798	\$69,866	\$71,291	\$74,749	\$76,269
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )		\$181,475 33%	\$183,966 33%	\$184,654 33%	\$176,152 32%	\$176,397 36%	\$174,869 35%	\$176,349 37%	\$177,257 38%
13. Benefit Payments		\$113,149	\$115,969	\$121,113	\$143,059	\$163,662	\$175,787	\$188,839	\$195,812
14. Number of Active Members		16.0	15.3	14.6	13.7	11.9	11.3	10.3	9.8
15. Number of Inactive Members		7.0	7.7	8.4	9.2	11.0	11.6	12.6	13.2

**City of Nitro Policemen's Pension Fund**  
**Standard Minimum Contribution – Closed Group**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$4,759,464	\$4,992,612	\$5,230,734	\$5,477,741	\$5,735,021	\$6,002,784	\$6,260,732	\$6,512,643
2. Market Value of Assets	\$3,113,500	\$3,381,046	\$3,656,174	\$3,942,925	\$4,243,056	\$4,556,909	\$4,864,291	\$5,169,442
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,645,964	\$1,611,566	\$1,574,560	\$1,534,816	\$1,491,965	\$1,445,875	\$1,396,441	\$1,343,201
4. Funded Ratio (2 /1)	65%	68%	70%	72%	74%	76%	78%	79%
5. Compensation	\$468,633	\$459,475	\$462,129	\$458,481	\$463,760	\$458,618	\$418,768	\$423,813
6. Employee Contributions	\$32,804	\$32,163	\$32,349	\$32,094	\$32,463	\$32,103	\$29,314	\$29,667
7. Gross Normal Cost	\$132,058	\$130,891	\$130,889	\$131,213	\$131,109	\$123,636	\$117,588	\$119,128
8. Net Employer Normal Cost ( 7-6 )	\$99,254	\$98,728	\$98,540	\$99,119	\$98,646	\$91,533	\$88,274	\$89,461
9. Amortization of UAAL	\$136,952	\$137,333	\$137,727	\$138,140	\$138,559	\$138,991	\$139,451	\$139,921
10. Estimated State Insurance Premium Tax Allocation	\$59,334	\$57,758	\$57,316	\$56,206	\$56,078	\$55,109	\$51,388	\$51,373
11. Net Employer Amortization (9-10, not less than zero)	\$77,618	\$79,575	\$80,411	\$81,934	\$82,481	\$83,882	\$88,063	\$88,548
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$176,872 38%	\$178,303 39%	\$178,951 39%	\$181,053 39%	\$181,127 39%	\$175,415 38%	\$176,337 42%	\$178,009 42%
13. Benefit Payments	\$205,862	\$214,580	\$221,038	\$226,871	\$232,794	\$251,791	\$267,725	\$270,717
14. Number of Active Members	9.3	8.7	8.3	7.8	7.5	7.1	6.3	6.1
15. Number of Inactive Members	13.7	14.2	14.6	15.0	15.3	15.7	16.4	16.6



## Appendix III

# City of Nitro Policemen's Pension Fund

## Standard Minimum Contribution – Closed Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability	\$6,779,467	\$7,025,144	\$7,243,977	\$7,467,789	\$7,681,603	\$7,828,948	\$7,890,036	\$7,900,244
2. Market Value of Assets	\$5,493,415	\$5,800,446	\$6,085,185	\$6,379,772	\$6,669,588	\$6,898,568	\$7,047,353	\$7,151,793
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,286,052	\$1,224,698	\$1,158,792	\$1,088,017	\$1,012,015	\$930,380	\$842,683	\$748,451
4. Funded Ratio (2 /1)	81%	83%	84%	85%	87%	88%	89%	91%
5. Compensation	\$429,617	\$379,817	\$376,679	\$375,795	\$345,844	\$251,178	\$180,816	\$149,631
6. Employee Contributions	\$30,073	\$26,587	\$26,368	\$26,306	\$24,209	\$17,582	\$12,657	\$10,474
7. Gross Normal Cost	\$113,228	\$105,888	\$105,416	\$100,730	\$83,020	\$59,437	\$44,599	\$38,320
8. Net Employer Normal Cost ( 7-6 )	\$83,155	\$79,301	\$79,048	\$74,424	\$58,811	\$41,855	\$31,942	\$27,846
9. Amortization of UAAL	\$140,418	\$140,947	\$141,509	\$142,111	\$142,763	\$143,477	\$144,270	\$145,170
10. Estimated State Insurance Premium Tax Allocation	\$51,430	\$45,966	\$45,232	\$44,733	\$41,893	\$33,946	\$27,834	\$25,333
11. Net Employer Amortization (9-10, not less than zero)	\$88,988	\$94,981	\$96,277	\$97,378	\$100,870	\$109,531	\$116,436	\$119,837
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$172,143 40%	\$174,282 46%	\$175,325 47%	\$171,802 46%	\$159,681 46%	\$151,386 60%	\$148,378 82%	\$147,683 99%
13. Benefit Payments	\$302,136	\$336,264	\$344,746	\$363,839	\$423,986	\$493,248	\$531,545	\$550,856
14. Number of Active Members	5.9	4.9	4.6	4.4	3.8	2.7	1.9	1.5
15. Number of Inactive Members	16.7	17.6	17.8	18.0	18.4	19.4	20.1	20.4

**City of Nitro Policemen's Pension Fund**  
**Standard Minimum Contribution – Closed Group**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability	\$7,884,700	\$7,840,809	\$7,740,412	\$7,597,988	\$7,439,781	\$7,267,094	\$7,082,185
2. Market Value of Assets	\$7,237,542	\$7,302,618	\$7,319,617	\$7,303,949	\$7,283,280	\$7,262,085	\$7,082,178
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$647,158	\$538,191	\$420,795	\$294,039	\$156,501	\$5,009	\$7
4. Funded Ratio ( 2 /1)	92%	93%	95%	96%	98%	100%	100%
5. Compensation	\$136,379	\$102,099	\$40,529	\$33,802	\$20,731	\$17,276	\$8,603
6. Employee Contributions	\$9,547	\$7,147	\$2,837	\$2,366	\$1,451	\$1,209	\$602
7. Gross Normal Cost	\$31,684	\$18,767	\$9,624	\$7,004	\$4,785	\$3,246	\$1,074
8. Net Employer Normal Cost ( 7-6 )	\$22,137	\$11,620	\$6,787	\$4,638	\$3,334	\$2,037	\$472
9. Amortization of UAAL	\$146,224	\$147,511	\$149,185	\$151,647	\$156,501	\$5,009	\$7
10. Estimated State Insurance Premium Tax Allocation	\$24,381	\$21,532	\$16,988	\$16,630	\$15,813	\$5,009	\$7
11. Net Employer Amortization (9-10, not less than zero)	\$121,843	\$125,979	\$132,197	\$135,017	\$140,688	\$0	\$0
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$143,980 106%	\$137,599 135%	\$138,984 343%	\$139,655 413%	\$144,022 695%	\$2,037 12%	\$472 5%
13. Benefit Payments	\$570,708	\$609,763	\$635,019	\$638,720	\$640,563	\$639,990	\$640,211
14. Number of Active Members	1.3	0.9	0.4	0.3	0.2	0.1	0.1
15. Number of Inactive Members	20.4	20.6	20.9	20.8	20.7	20.5	20.3

## Appendix IV

# City of Nitro Policemen's Pension Fund

## Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability	\$2,861,435	\$3,110,702	\$3,378,661	\$3,665,147	\$3,964,600	\$4,256,040	\$4,562,585	\$4,879,252
2. Market Value of Assets	\$1,017,115	\$1,271,737	\$1,546,345	\$1,840,043	\$2,137,009	\$2,439,957	\$2,757,295	\$3,089,454
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,844,320	\$1,838,965	\$1,832,316	\$1,825,104	\$1,827,591	\$1,816,083	\$1,805,290	\$1,789,798
4. Funded Ratio ( 2 /1 )	36%	41%	46%	50%	54%	57%	60%	63%
5. Compensation	\$546,580	\$562,977	\$579,866	\$597,262	\$615,180	\$633,636	\$652,645	\$672,224
6. Employee Contributions	\$38,261	\$39,408	\$40,591	\$41,808	\$43,063	\$44,355	\$45,685	\$47,056
7. Gross Normal Cost	\$161,648	\$166,497	\$171,492	\$176,637	\$181,936	\$187,394	\$193,016	\$198,807
8. Net Employer Normal Cost ( 7-6 )	\$123,387	\$127,089	\$130,901	\$134,829	\$138,873	\$143,039	\$147,331	\$151,751
9. Amortization of UAAL	\$134,167	\$135,467	\$136,818	\$138,288	\$140,684	\$142,213	\$144,018	\$145,690
10. Estimated State Insurance Premium Tax Allocation	\$76,079	\$78,362	\$80,712	\$83,134	\$85,628	\$88,197	\$90,843	\$93,568
11. Net Employer Amortization (9-10, not less than zero)	\$58,088	\$57,105	\$56,106	\$55,154	\$55,056	\$54,016	\$53,175	\$52,122
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$181,475 33%	\$184,195 33%	\$187,007 32%	\$189,983 32%	\$193,929 32%	\$197,056 31%	\$200,507 31%	\$203,873 30%
14. Benefit Payments	\$113,149	\$115,969	\$121,113	\$143,059	\$163,662	\$175,787	\$188,839	\$195,812
13. Number of Active Members	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
14. Number of Inactive Members	7.0	7.7	8.4	9.2	11.0	11.6	12.6	13.2



**City of Nitro Policemen's Pension Fund**  
**Standard Minimum Contribution – Open Group**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability	\$5,215,756	\$5,570,405	\$5,945,951	\$6,346,290	\$6,773,891	\$7,230,650	\$7,706,100	\$8,203,037
2. Market Value of Assets	\$3,443,710	\$3,818,585	\$4,217,071	\$4,643,326	\$5,100,107	\$5,589,634	\$6,100,889	\$6,638,913
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,772,046	\$1,751,820	\$1,728,880	\$1,702,964	\$1,673,784	\$1,641,016	\$1,605,211	\$1,564,124
4. Funded Ratio (2 /1)	66%	69%	71%	73%	75%	77%	79%	81%
5. Compensation	\$692,391	\$713,163	\$734,558	\$756,594	\$779,292	\$802,671	\$826,751	\$851,554
6. Employee Contributions	\$48,467	\$49,921	\$51,419	\$52,962	\$54,550	\$56,187	\$57,873	\$59,609
7. Gross Normal Cost	\$204,771	\$210,914	\$217,241	\$223,759	\$230,471	\$237,386	\$244,507	\$251,842
8. Net Employer Normal Cost ( 7-6 )	\$156,304	\$160,993	\$165,822	\$170,797	\$175,921	\$181,199	\$186,634	\$192,233
9. Amortization of UAAL	\$147,443	\$149,285	\$151,226	\$153,274	\$155,444	\$157,749	\$160,299	\$162,934
10. Estimated State Insurance Premium Tax Allocation	\$96,375	\$99,266	\$102,244	\$105,311	\$108,471	\$111,725	\$115,077	\$118,529
11. Net Employer Amortization (9-10, not less than zero)	\$51,068	\$50,019	\$48,982	\$47,963	\$46,973	\$46,024	\$45,222	\$44,405
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$207,372 30%	\$211,012 30%	\$214,804 29%	\$218,759 29%	\$222,895 29%	\$227,223 28%	\$231,856 28%	\$236,638 28%
14. Benefit Payments	\$205,862	\$214,580	\$221,038	\$226,871	\$232,794	\$251,791	\$267,725	\$273,079
13. Number of Active Members	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
14. Number of Inactive Members	13.7	14.2	14.6	15.0	15.3	15.7	16.4	16.6

## Appendix IV

# City of Nitro Policemen's Pension Fund

## Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability	\$8,734,919	\$9,283,411	\$9,837,393	\$10,427,558	\$11,045,576	\$11,658,239	\$12,243,716	\$12,835,988
2. Market Value of Assets	\$7,216,672	\$7,812,724	\$8,423,929	\$9,077,839	\$9,766,871	\$10,451,618	\$11,124,308	\$11,816,259
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,518,247	\$1,470,687	\$1,413,464	\$1,349,719	\$1,278,705	\$1,206,621	\$1,119,408	\$1,019,729
4. Funded Ratio ( 2 /1 )	83%	84%	86%	87%	88%	90%	91%	92%
5. Compensation	\$877,100	\$903,413	\$930,516	\$958,431	\$987,184	\$1,016,799	\$1,047,303	\$1,078,723
6. Employee Contributions	\$61,397	\$63,239	\$65,136	\$67,090	\$69,103	\$71,176	\$73,311	\$75,511
7. Gross Normal Cost	\$259,398	\$267,180	\$275,195	\$283,451	\$291,954	\$300,713	\$309,734	\$319,026
8. Net Employer Normal Cost ( 7-6 )	\$198,001	\$203,941	\$210,059	\$216,361	\$222,851	\$229,537	\$236,423	\$243,515
9. Amortization of UAAL	\$165,771	\$169,258	\$172,609	\$176,293	\$180,385	\$186,077	\$191,646	\$197,788
10. Estimated State Insurance Premium Tax Allocation	\$122,085	\$125,747	\$129,520	\$133,405	\$137,408	\$141,530	\$145,776	\$150,149
11. Net Employer Amortization (9-10, not less than zero)	\$43,686	\$43,511	\$43,089	\$42,888	\$42,977	\$44,547	\$45,870	\$47,639
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )	\$241,687 28%	\$247,451 27%	\$253,148 27%	\$259,248 27%	\$265,829 27%	\$274,084 27%	\$282,294 27%	\$291,154 27%
14. Benefit Payments	\$302,136	\$336,264	\$344,746	\$363,839	\$423,986	\$493,248	\$531,545	\$550,856
13. Number of Active Members	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
14. Number of Inactive Members	16.7	17.6	17.8	18.0	18.4	19.4	20.1	20.4

# City of Nitro Policemen's Pension Fund Standard Minimum Contribution – Open Group

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative

	July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability		\$13,457,179	\$14,108,919	\$14,773,698	\$15,466,932	\$16,203,768	\$16,987,127	\$17,820,126
2. Market Value of Assets		\$12,549,185	\$13,326,749	\$14,134,242	\$14,991,354	\$15,921,026	\$16,947,541	\$17,787,659
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$907,994	\$782,170	\$639,456	\$475,578	\$282,742	\$39,586	\$32,467
4. Funded Ratio ( 2 /1 )		93%	94%	96%	97%	98%	100%	100%
5. Compensation		\$1,111,084	\$1,144,417	\$1,178,749	\$1,214,112	\$1,250,535	\$1,288,051	\$1,326,693
6. Employee Contributions		\$77,776	\$80,109	\$82,512	\$84,988	\$87,537	\$90,164	\$92,868
7. Gross Normal Cost		\$328,597	\$338,455	\$348,609	\$359,067	\$369,839	\$380,934	\$392,362
8. Net Employer Normal Cost ( 7-6 )		\$250,821	\$258,346	\$266,097	\$274,079	\$282,302	\$290,770	\$299,494
9. Amortization of UAAL		\$205,159	\$214,383	\$226,707	\$245,274	\$282,742	\$39,586	\$32,467
10. Estimated State Insurance Premium Tax Allocation		\$154,653	\$159,293	\$164,072	\$168,994	\$174,064	\$39,586	\$32,467
11. Net Employer Amortization (9-10, not less than zero)		\$50,506	\$55,090	\$62,635	\$76,280	\$108,678	\$0	\$0
12. Standard Minimum Employer Contribution (8+11) ( % of Compensation )		\$301,327 27%	\$313,436 27%	\$328,732 28%	\$350,359 29%	\$390,980 31%	\$290,770 23%	\$299,494 23%
14. Benefit Payments		\$570,708	\$609,763	\$635,019	\$647,720	\$660,674	\$673,888	\$687,365
13. Number of Active Members		16.0	16.0	16.0	16.0	16.0	16.0	16.0
14. Number of Inactive Members		20.4	20.6	20.9	20.9	20.9	20.9	20.9



## Appendix V

# City of Nitro Policemen's Pension Fund

## Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	30.50%

July 1,	2002	2003	2004	2005	2006	2007	2008	2009
1. Actuarial Accrued Liability	\$2,861,435	\$3,110,702	\$3,378,661	\$3,665,147	\$3,964,600	\$4,256,040	\$4,562,585	\$4,879,252
2. Market Value of Assets	\$1,017,115	\$1,211,791	\$1,440,974	\$1,705,801	\$1,985,973	\$2,272,603	\$2,575,145	\$2,893,968
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$1,844,320	\$1,898,911	\$1,937,687	\$1,959,346	\$1,978,627	\$1,983,437	\$1,987,440	\$1,985,284
4. Funded Ratio ( 2 / 1 )	36%	39%	43%	47%	50%	53%	56%	59%
5. Compensation	\$546,580	\$562,977	\$579,866	\$597,262	\$615,180	\$633,636	\$652,645	\$672,224
6. Employee Contributions	\$38,261	\$39,408	\$40,591	\$41,808	\$43,063	\$44,355	\$45,685	\$47,056
7. Gross Normal Cost	\$161,648	\$166,497	\$171,492	\$176,637	\$181,936	\$187,394	\$193,016	\$198,807
8. Net Employer Normal Cost ( 7-6 )	\$123,387	\$127,089	\$130,901	\$134,829	\$138,873	\$143,039	\$147,331	\$151,751
9. Amortization of UAAL	\$134,167	\$139,883	\$144,686	\$148,459	\$152,311	\$155,318	\$158,549	\$161,602
10. Estimated State Insurance Premium Tax Allocation	\$76,079	\$78,362	\$80,712	\$83,134	\$85,628	\$88,197	\$90,843	\$93,568
11. Net Employer Amortization (9-10, not less than zero)	\$58,088	\$61,521	\$63,974	\$65,325	\$66,683	\$67,121	\$67,706	\$68,034
12. Standard Minimum Employer Contribution (8+11)	\$181,475	\$188,611	\$194,875	\$200,154	\$205,556	\$210,161	\$215,038	\$219,785
13. Prior Year Alternative Contribution x 107%	\$77,040	\$132,024	\$154,030	\$177,265	\$194,917	\$200,764	\$206,787	\$212,991
14. Suggested Employer Contribution ( max of 8, tiered % of Comp )	\$123,387	\$143,953	\$165,668	\$182,165	\$187,630	\$193,259	\$199,057	\$205,028
( % of Compensation )	23%	26%	29%	31%	31%	31%	31%	31%
( % of Benefit Payments )	109%	124%	137%	127%	115%	110%	105%	105%
15. Benefit Payments	\$113,149	\$115,969	\$121,113	\$143,059	\$163,662	\$175,787	\$188,839	\$195,812
16. Number of Active Members	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
17. Number of Inactive Members	7.0	7.7	8.4	9.2	11.0	11.6	12.6	13.2

# City of Nitro Policemen's Pension Fund

## Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	30.50%

	July 1,	2010	2011	2012	2013	2014	2015	2016	2017
1. Actuarial Accrued Liability		\$5,215,756	\$5,570,405	\$5,945,951	\$6,346,290	\$6,773,891	\$7,230,650	\$7,706,100	\$8,203,037
2. Market Value of Assets		\$3,236,710	\$3,602,059	\$3,993,181	\$4,414,414	\$4,868,702	\$5,358,450	\$5,872,833	\$6,416,985
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$1,979,046	\$1,968,346	\$1,952,770	\$1,931,876	\$1,905,189	\$1,872,200	\$1,833,267	\$1,786,052
4. Funded Ratio ( 2 / 1 )		62%	65%	67%	70%	72%	74%	76%	78%
5. Compensation		\$692,391	\$713,163	\$734,558	\$756,594	\$779,292	\$802,671	\$826,751	\$851,554
6. Employee Contributions		\$48,467	\$49,921	\$51,419	\$52,962	\$54,550	\$56,187	\$57,873	\$59,609
7. Gross Normal Cost		\$204,771	\$210,914	\$217,241	\$223,759	\$230,471	\$237,386	\$244,507	\$251,842
8. Net Employer Normal Cost ( 7-6 )		\$156,304	\$160,993	\$165,822	\$170,797	\$175,921	\$181,199	\$186,634	\$192,233
9. Amortization of UAAL		\$164,667	\$167,737	\$170,809	\$173,877	\$176,934	\$179,973	\$183,073	\$186,052
10. Estimated State Insurance Premium Tax Allocation		\$96,375	\$99,266	\$102,244	\$105,311	\$108,471	\$111,725	\$115,077	\$118,529
11. Net Employer Amortization (9-10, not less than zero)		\$68,292	\$68,471	\$68,565	\$68,566	\$68,463	\$68,248	\$67,996	\$67,523
12. Standard Minimum Employer Contribution (8+11)		\$224,596	\$229,464	\$234,387	\$239,362	\$244,385	\$249,447	\$254,630	\$259,756
13. Prior Year Alternative Contribution x 107%		\$219,380	\$225,962	\$232,741	\$239,723	\$246,915	\$254,322	\$261,952	\$269,810
14. Suggested Employer Contribution ( max of 8, tiered % of Comp )		\$211,179	\$217,515	\$224,040	\$230,761	\$237,684	\$244,815	\$252,159	\$259,724
( % of Compensation )		31%	31%	31%	31%	31%	31%	31%	31%
( % of Benefit Payments )		103%	101%	101%	102%	102%	97%	94%	95%
15. Benefit Payments		\$205,862	\$214,580	\$221,038	\$226,871	\$232,794	\$251,791	\$267,725	\$273,079
16. Number of Active Members		16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
17. Number of Inactive Members		13.7	14.2	14.6	15.0	15.3	15.7	16.4	16.6



Appendix V

**City of Nitro Policemen's Pension Fund**  
**Open Group Projection - Suggested Contribution**

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	30.50%

	July 1,	2018	2019	2020	2021	2022	2023	2024	2025
1. Actuarial Accrued Liability		\$8,734,919	\$9,283,411	\$9,837,393	\$10,427,558	\$11,045,576	\$11,658,239	\$12,243,716	\$12,835,988
2. Market Value of Assets		\$7,004,143	\$7,613,036	\$8,240,250	\$8,913,860	\$9,626,364	\$10,338,368	\$11,040,889	\$11,765,739
3. Unfunded Actuarial Accrued Liability ( 2-1 )		\$1,730,776	\$1,670,375	\$1,597,143	\$1,513,698	\$1,419,212	\$1,319,871	\$1,202,827	\$1,070,249
4. Funded Ratio ( 2 / 1 )		80%	82%	84%	85%	87%	89%	90%	92%
5. Compensation		\$877,100	\$903,413	\$930,516	\$958,431	\$987,184	\$1,016,799	\$1,047,303	\$1,078,723
6. Employee Contributions		\$61,397	\$63,239	\$65,136	\$67,090	\$69,103	\$71,176	\$73,311	\$75,511
7. Gross Normal Cost		\$259,398	\$267,180	\$275,195	\$283,451	\$291,954	\$300,713	\$309,734	\$319,026
8. Net Employer Normal Cost ( 7-6 )		\$198,001	\$203,941	\$210,059	\$216,361	\$222,851	\$229,537	\$236,423	\$243,515
9. Amortization of UAAL		\$188,976	\$192,239	\$195,039	\$197,711	\$200,206	\$203,542	\$205,928	\$207,586
10. Estimated State Insurance Premium Tax Allocation		\$122,085	\$125,747	\$129,520	\$133,405	\$137,408	\$141,530	\$145,776	\$150,149
11. Net Employer Amortization (9-10, not less than zero)		\$66,891	\$66,492	\$65,519	\$64,306	\$62,798	\$62,012	\$60,152	\$57,437
12. Standard Minimum Employer Contribution (8+11)		\$264,892	\$270,432	\$275,578	\$280,666	\$285,650	\$291,549	\$296,576	\$300,952
13. Prior Year Alternative Contribution x 107%		\$277,904	\$286,242	\$294,829	\$303,674	\$312,784	\$322,167	\$331,832	\$341,787
14. Suggested Employer Contribution ( max of 8, tiered % of Comp )		\$267,516	\$275,541	\$283,807	\$292,321	\$301,091	\$310,124	\$319,428	\$329,010
( % of Compensation )		31%	31%	31%	31%	31%	31%	31%	31%
( % of Benefit Payments )		89%	82%	82%	80%	71%	63%	60%	60%
15. Benefit Payments		\$302,136	\$336,264	\$344,746	\$363,839	\$423,986	\$493,248	\$531,545	\$550,856
16. Number of Active Members		16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
17. Number of Inactive Members		16.7	17.6	17.8	18.0	18.4	19.4	20.1	20.4



# City of Nitro Policemen's Pension Fund Open Group Projection - Suggested Contribution

Valuation Date	July 1, 2002
Valuation Interest Rate	6.50%
Cost-of-Living Adjustment	3.00%
Salary Increase	5.00%
Growth State Premium Tax	3.00%
Current Funding Policy	Alternative
Increase in Alternative Contribution	7.00%
Suggested Contribution - Change in Tier	3.00%
Suggested Contribution Max % of Compensation	30.50%

July 1,	2026	2027	2028	2029	2030	2031	2032
1. Actuarial Accrued Liability	\$13,457,179	\$14,108,919	\$14,773,698	\$15,466,932	\$16,203,768	\$16,987,127	\$17,820,126
2. Market Value of Assets	\$12,534,449	\$13,349,810	\$14,195,552	\$15,088,421	\$16,044,985	\$17,053,914	\$17,860,094
3. Unfunded Actuarial Accrued Liability ( 2-1 )	\$922,730	\$759,109	\$578,146	\$378,511	\$158,783	(\$66,787)	(\$39,968)
4. Funded Ratio ( 2 / 1 )	93%	95%	96%	98%	99%	100%	100%
5. Compensation	\$1,111,084	\$1,144,417	\$1,178,749	\$1,214,112	\$1,250,535	\$1,288,051	\$1,326,693
6. Employee Contributions	\$77,776	\$80,109	\$82,512	\$84,988	\$87,537	\$90,164	\$92,868
7. Gross Normal Cost	\$328,597	\$338,455	\$348,609	\$359,067	\$369,839	\$380,934	\$392,362
8. Net Employer Normal Cost ( 7-6 )	\$250,821	\$258,346	\$266,097	\$274,079	\$282,302	\$290,770	\$299,494
9. Amortization of UAAL	\$208,489	\$208,062	\$204,971	\$195,213	\$158,783	(\$66,787)	(\$39,968)
10. Estimated State Insurance Premium Tax Allocation	\$154,653	\$159,293	\$164,072	\$168,994	\$158,783	\$0	\$0
11. Net Employer Amortization (9-10, not less than zero)	\$53,836	\$48,769	\$40,899	\$26,219	\$0	\$0	\$0
12. Standard Minimum Employer Contribution (8+11)	\$304,657	\$307,115	\$306,996	\$300,298	\$282,302	\$290,770	\$299,494
13. Prior Year Alternative Contribution x 107%	\$352,041	\$362,602	\$373,480	\$384,685	\$396,225	\$408,112	\$311,124
14. Suggested Employer Contribution ( max of 8, tiered % of Comp )	\$338,881	\$349,047	\$359,519	\$370,304	\$381,413	\$290,770	\$299,494
( % of Compensation )	31%	31%	31%	31%	31%	23%	23%
( % of Benefit Payments )	59%	57%	57%	57%	58%	43%	44%
15. Benefit Payments	\$570,708	\$609,763	\$635,019	\$647,720	\$660,674	\$673,888	\$687,365
16. Number of Active Members	16.0	16.0	16.0	16.0	16.0	16.0	16.0
17. Number of Inactive Members	20.4	20.6	20.9	20.9	20.9	20.9	20.9

CITY OF NITRO  
COUNCIL MEETING MINUTES

DECEMBER 2, 2003

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 pm. 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 that everyone remember the family of Ken Kniceley, a member of the Nitro Development Authority, as his wife passed away last week; and also the family from Poca who lost their home and child in a fire.

THE INVOCATION WAS GIVEN BY CAM HARMON.

CITY RESIDENT LITTLEWIND LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE 11-18-03 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED FOR THE APPROVAL OF THE NOVEMBER 18, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Councilwoman at Large Brenda Tyler said that Dr. and Mrs. George Hogshead will be presented the Citizens of the Month award at St. Paul's United Methodist Church a week from this Sunday at the 11:00 service.

AGENDA ITEM NO. 3 – CITY CHRISTMAS PARADE: Councilwoman at Large Brenda Tyler reported that the Christmas Parade is scheduled for this Saturday at 6:00 pm. Council is invited to be involved and participate. Line up will be at 5:30 pm across the railroad tracks from McDonalds. The official lighting of the City Christmas tree located on 21<sup>st</sup> Street will take place following the parade.

AGENDA ITEM NO. 4 – WALKER STREET FLOODING: Mayor Casto said he is checking with Mr. Lewis about putting a drain in at Walker Street and running a line to the river to get rid of the water. Councilwoman at Large Brenda Tyler said that four years ago Mr. Lewis told them he would go back to the State and work on putting a larger line under First Avenue at Walker Street and also under the railroad track. One of the conditions to do this may be to close the railroad crossing at Walker Street.

Members of Council had their pictures taken for the City Calendar.



City Resident Littlewind gave a report on the plans for the Pow Wow for the Homecoming weekend. She has received confirmation from 45 vendors who will be present at the event. Assistance was asked in locating four veterans to lead their grand entry. Councilwoman Tyler volunteered to take care of this. Bottled water and medical personnel on the field is also needed due to the age of some of the elders; along with police patrol at night for their vendor's booths. They will need to set up on Thursday and will be here during the entire Homecoming weekend from July 16 thru July 18. They will write out flyers for advertisement and will provide daytime patrols.

Tim McCallister addressed Council concerning his application for a Taxi License to provide service for the Nitro and St. Albans areas. Mayor Casto read a letter of endorsement as follows: THIS ADVISES THAT THE CITY OF NITRO AND ITS ENVIRONS HAVE A NEED FOR AN ADDITIONAL CARRIER TRANSPORTATION SERVICE. THE CITY OF NITRO SUPPORTS THE APPLICATION OF TNT TAXI FOR THE CITY AND ITS ENVIRONS FOR THE GRANTING OF THE CERTIFICATE OF CONVENIENCE AND NECESSITY IN THIS APPLICATION PENDING BEFORE THE WEST VIRGINIA PUBLIC SERVICE COMMISSION. SIGNED BY MAYOR RUSTY CASTO. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION FOR THE APPROVAL OF THE LETTER OF ENDORSEMENT SIGNED BY THE MAYOR, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 5 – CITY ATTORNEY APRIL ROBERTSON: Ms. Robertson stated she has been working with Bryan Casto, City Building Inspector on the publication of the legal notice for the demolition of the house on 12<sup>th</sup> Street.

AGENDA ITEM NO. 6 – CITY TREASURER RALPH ALLISON: Nothing to report at this time.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS:

Councilman David Miller thanked all the city personnel for their extra work during the flooding.

Councilman A.A. "Joe" Savilla also stated what a great job the city personnel did during the flooding. He also asked what the standing was on the walkway bridge on 3<sup>rd</sup> Avenue. Mayor Casto said it was going to be worked on by a Boy Scout as an Eagle Scout project.

Councilwoman at Large Brenda Tyler thanked all City departments for their work during the flooding. She reported that she had written a letter to Jack Whittaker requesting a grant for the playground. He replied that the assistance was only given to those who could help themselves and the handicap children did not meet his criteria.

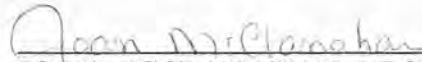
Councilman A.A. "Joe" Savilla asked the Mayor to speak with the Corps of Engineers about the backwater at Ridenour Lake.



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

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

RUSTY CASTO, MAYOR

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

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

DECEMBER 16, 2003

Mayor Rusty Casto called the Council 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 was City Attorney April Robertson and Treasurer Ralph Allison arrived late. Absent was Councilman at Large Richard Savilla.

Mayor Casto asked everyone to remember E. W. "Hatrack" Hedrick as he is undergoing surgery for cancer, and also former Mayor Art Ashley as he lost his mother last week.

THE INVOCATION WAS GIVEN BY COUNCILMAN BOBBY SMITH.

POCA HIGH SCHOOL FOOTBALL COACH BOB LEMLEY LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE 12-2-03 COUNCIL MEETING MINUTES: COUNCILMAN A.A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF THE DECEMBER 2, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Mayor Casto presented Head Coach Bob Lemley of the Poca High School football team with complimentary dinners to Diehl's restaurant for his coaching staff. Coach Lemley thanked Mayor Casto and recognized his defensive coach David Reuckert for an outstanding job. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT COACH BOB LEMLEY AND THE POCA DOT FOOTBALL TEAM BE PRESENTED WITH THE JANUARY CITIZEN OF THE MONTH AWARD, SECONDED BY COUNCILMAN DAVID MILLER AS WAS CARRIED.

Mayor Casto said they would dedicate the Poca page of the 2004 Nitro City Calendar in honor of Coach Bob Lemley and in memory of Addison McClanahan.

Shirley Brown Mullins and Donna Gibeaut, residents of Hickory Street, addressed Council concerning the flooding on November 20. Mrs. Mullins stated that there is a ravine where the water backed up and caused the flooding. She wanted to know if there was some way to fill that in to prevent future problems. They lost vehicles and numerous household items. Mayor Casto said the City has contacted the Army Corps of Engineers concerning the problem. He and Councilman Bobby Smith will meet with them when they come to inspect the area. Both ladies asked to be contacted so they could also meet with the Corps of Engineers.

AGENDA ITEM NO. 2 – UPDATE ON ANTIQUE FAIR: City Recorder Joan McClanahan reported that the Antique Fair is scheduled for Saturday May 22, 2004. It will be an all day affair. They are hoping to have a qualified appraiser attend who would give appraisals on items that individuals bring in.

AGENDA ITEM NO.3 – CHRISTMAS OPEN HOUSE CITY HALL 12-19-03: City Recorder Joan McClanahan invited everyone to an open house hosted by the Mayor at City Hall from 1:00 till 3:00 pm on Friday afternoon. There will cookies, punch, and coffee.

AGENDA ITEM NO. 4 – FIREMEN'S PENSION EST. EXPENDITURE BUDGET: Councilman Harry Miller III read the Firemen and Policemen Expenditure Budgets. COUNCILMAN HARRY MILLER III MOVED THE FIREMEN AND POLICEMEN EXPENDITURE BUDGETS BE MADE PART OF THE MINUTES, SECONDED BY JOAN MCCLANAHAN AND WAS CARRIED. COPIES ATTACHED.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: Attorney Robertson reported that she had attended a Continuing Legal Education Seminar last Monday that covered local government legal issues in West Virginia. She stated it was very helpful and she will be sharing the information with Council.

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

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS:

Councilman David Miller asked that everyone keep the family of John Wymer in prayer. He was 44 years old and passed away of a massive heart attack.

Councilman A.A. "Joe" Savilla also asked that everyone remember the family of John Wolfe who passed away this past week.

Councilman at Large Timothy Sizemore suggested that everyone read the letter from the Senior Citizens and try to make some contact with them.

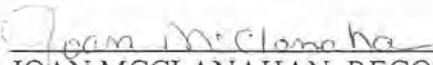
Councilwoman at Large Brenda Tyler recognized Public Works for their Christmas Parade float. They collected over 200 toys and 26 bicycles for Toys for Tots. Dr. and Mrs. Hogshead will be recognized this Sunday at St. Paul's United Methodist Church as Citizens of the Month.

City Recorder Joan McClanahan commented on how nice the awnings look that the NDA put up.



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

CITY OF NITRO  
POLICE PENSION AND RELIEF FUND  
ESTIMATED EXPENDITURES

PENSION BENEFITS	132,000.00
ACTUARY STUDY	5,300.00
SECRETARY	2,400.00
ADMINISTRATIVE	<u>1,000.00</u>
	<u>141,700.00</u>

## NITRO FIREMEN'S PENSION &amp; RELIEF FUND

## ESTIMATED EXPENDITURE BUDGET

2004

PENSION DISBURSEMENTS	\$ 200,000.00
ACTUARY	6,300.00
SECRETARY	720.00
MISC. EXPENSE	1,000.00
	<hr/>
	\$208,020.00



## CITY OF NITRO

## COUNCIL MEETING MINUTES

JANUARY 6, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 pm. Present were Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and 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 City Recorder Joan McClanahan.

Councilwoman at Large Brenda Tyler asked everyone to remember Nitro citizen Norma Jean Dixon in prayer as she is having open heart surgery.

THE INVOCATION WAS GIVEN BY COUNCILWOMAN AT LARGE BRENDA TYLER.

COUNCILMAN AT LARGE RICHARD SAVILLA LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE 12-16-03 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED FOR THE APPROVAL OF THE DECEMBER 16, 2003 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED. COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINED.

Councilman at Large Timothy Sizemore reported on the 31<sup>st</sup> Street Water Line Project. He and resident Butch Magaw have both spoken with the Water Company about the progress of the job. The Water Company is running behind schedule. Mr. Magaw asked that the City put pressure on them to complete the project. Councilman at Large Sizemore also stated that he along with the Mayor and A.J. Hill, Director of Public Works met with the Corps of Engineers about the Hickory Street Flooding. It will be at least 90 days before the Corps of Engineers will generate a report about the flooding.

Councilman A.A. "Joe" Savilla stated that the City had received a \$10,000.00 contribution for the Children's Park from the Friends of Jo Ellen "Jody" Conner Organization. Conner was a retired Nitro teacher who passed away from cancer shortly after she retired. Councilman A.A. Joe Savilla read an agreement concerning the donation. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT THE CHILDREN'S PARK BE NAMED THE JO ELLEN "JODY" CONNER MEMORIAL PARK AND A PLAQUE BE HUNG AT THE PARK STATING AS SUCH, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COPY OF AGREEMENT ATTACHED

AGENDA ITEM NO. 2 – CHANGE TIME OF COUNCIL MEETING 1-20-04: Mayor Rusty Casto stated that DEP and FMC would like to attend the next meeting and address Council at 7:30 pm. COUNCILMAN HARRY MILLER III MOVED THE JANUARY 20, 2004 COUNCIL MEETING START AT 7:00 PM, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 3 – APPROVAL OF NDA NOMINATIONS: Mayor Rusty Casto stated that all Council members had a letter listing the NDA nominations – copy attached. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THAT THE LIST OF NDA NOMINATIONS BE ACCEPTED, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED. Councilman at Large Timothy Sizemore suggested they attend the next Council Meeting. Councilwoman at Large Brenda Tyler stated that they would not be able to attend until the first meeting in February because of their elections.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: City Treasurer April Robertson gave each Council Member two pamphlets from the West Virginia Ethics Commission. One was an overview of the West Virginia Governmental Ethics Act and the other was a brochure on the Sunshine Law. She is continuing to work with Steve Swisher who is the Dunbar City Attorney to try to come up with a mutual Animal Control Ordinance since we share the Animal Control Officer with their city. She located a model Animal Control Ordinance from the International Municipal Lawyers Association that both cities may be able to adopt mutually.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Treasurer Ralph Allison reminded Council of the Annual Budget Meeting and suggested that at the first Council Meeting in February they should set a date for the first Budget Meeting.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: Mayor Casto reported on the status of tearing down the house on 12<sup>th</sup> Street which was burnt by fire. They have had no one to bid on tearing it down which has held up proceeding. The Mayor has a meeting scheduled for tomorrow with Bryan Casto, Building Inspector concerning tearing it down.

The city calendars should be in by the end of the week. They will be mailed out and should be received by the middle of next week.

Councilwoman At Large Brenda Tyler addressed Council concerning improvements and additions she wanted done to the Recreational Area of the City. Council Members were each given a sheet showing estimates for work to be done totaling \$300,000.00. She spoke with City Treasurer Ralph Allison concerning the City underwriting the project with a lease purchase. Contributions and grants would meet the payments. Any income generated from the new facilities would go toward helping to pay on the lease payments and also paying the salary of a Park Manager to oversee operations. Councilman at Large Timothy Sizemore said it is a good idea, but he feels they should wait until after the Budget Meeting to vote on it. Councilwoman At Large







# AGREEMENT

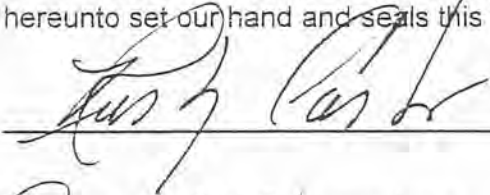
This Agreement by and between Friends of Jo Ellen "Jody" Conner, parties of the first part, and the City of Nitro, party of the second part, witnesseth as follows:

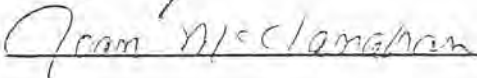
**WHEREAS**, the parties of the first part agree to make a contribution of Ten Thousand Dollars (\$10,000.00) to the party of the second part, and

**WHEREAS**, the parties of the first part request that for and in consideration of the above contribution, that the Nitro Handicapped Children's Park be named in honor of Jo Ellen "Jody" Conner, and that a permanent plaque be erected at the park bearing the following inscription, "The Jo Ellen 'Jody' Conner Memorial Park," and

**WHEREAS**, the party of the second part hereby agrees that for and in consideration of the sum of Ten Thousand Dollars (\$10,000.00), the Nitro Handicapped Children's Park will bear the memorial inscription as outlined above for all eternity.


**WHEREAS**, we, the parties of the first part and the party of the second part have hereunto set our hand and seals this the 30<sup>th</sup> day of December 2003.

 (SEAL)

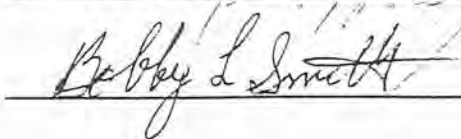
 (SEAL)

 (SEAL)

 (SEAL)

 (SEAL)

 (SEAL)

 (SEAL)

\_\_\_\_ (SEAL)

\_\_\_\_ (SEAL)

\_\_\_\_ (SEAL)

Brenda Tyler said that they would like work to start as soon as possible so that the pool area will be completed by the end of May. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR THE CITY OF NITRO TO UNDERWRITE THE \$300,000.00 LEASE PURCHASE WITH ALL FUNDS COMING IN TO GO TOWARD PAYMENT ON THE LEASE, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED WITH COUNCILMAN AT LARGE TIMOTHY SIZEMORE OPPOSING.

COPY OF RECREATIONAL PROPOSAL ATTACHED.

Councilwoman at Large Brenda Tyler called a committee meeting to set up guidelines for the project. The meeting is scheduled for Thursday January 8, 2004 at 5:00 pm in Council Chambers and everyone is invited to attend.

City Treasurer Ralph Allison asked for confirmation that the \$10,000.00 donation discussed earlier and also the \$20,000.00 grant from the Governor's office would be spent only on payment of the Lease. Councilwoman at Large Brenda Tyler confirmed this was correct. She further stated that any donations that come in after this will be applied to the Lease payment as well.

Councilman Harry Miller III stated that he would not be able to attend the next Council Meeting as he will be out of town.

Councilman A.A. "Joe" Savilla informed council that the Knight's of Columbus will be holding a "Blue Mass" on February 7, 2004 with a spaghetti dinner following. Council members have a letter detailing this.

COPY ATTACHED.

Mayor Rusty Casto reported that Ridenour Lake was stocked with trout today.

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





**Nitro Community Center**

21st Street & Second Ave., Nitro, WV 25143

Phone: (304) 755-0619

November 24, 2003

Mayor Rusty Casto  
City Hall  
20<sup>th</sup> Street & Second Avenue  
Nitro, WV 25143

Mayor Casto:

Please accept the listed names as having been nominated by the Nitro Development Authority for City Council approval for a three year term to the Board of Directors of the NDA:

- Mr. John Adams
- Mr. C. E. "Tom" Brewer
- Mr. H. E. "Gene" Brightwell
- Mr. Herb Fitzsimmons
- Mr. Jewel McClanahan (Honorarium)
- Mrs. Diana Painter
- Mr. Scott Trimmer

Mr. Richard "Rick" Fisher chose not to be reappointed.

Cordially,

C. E. "Tom" Brewer  
President

## PRESENTATION TO NITRO CITY COUNCIL, JANUARY 6, 2004

## RECREATION INVESTMENT

1. Pool House & Cement	\$90,000.00
2. Weight Room Equipment	25,000.00
3. Spray Park	35,000.00
4. Skateboard Park	12,000.00
5. Pave City Parking Lot	55,000.00
6. Large Slide for Pool	30,000.00
7. Heater for Pool	10,000.00
8. Outdoor stage	6,000.00
9. Angle Parking basketball court	2,500.00
10. Putt-Putt Golf	12,000.00
11. Park Shelter	5,000.00
12. MISC.	<u>17,500.00</u>

TOTAL	\$300,000.00
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LEASE PURCHASE 10 YEARS AT \$3,000.00 A MONTH

HOW WE WILL MEET THIS PAYMENT

Rent Park Shelters four hours at a time, 10:00, 2:00, 6:00	
for \$75.00 X 6 = 450.00 a day! Saturday & Sunday rentals	\$1,800.00
Friday evenings at 4:00 & 6:00	1,200.00
Monday – Thursday at 6:00 (24 x 150)	<u>2,400.00</u>
TOTAL	5,400.00

OTHER INCOME

Putt-Putt Golf  
 Weight room Fees  
 Conference room Rental Fee  
 Game Room  
 Stage Rental  
 Park Cars at football games (sponsored by midget football, bike park & little league)  
 20% of profit going to each organization)  
 Fund Raisers and grants

EMPLOYEES NEEDED

Contract Park Manager for \$2,000.00 a month also as an incentive  
 10% of PROFIT made on special events such as basketball tournaments,  
 skateboard competitions, gospel sings, etc. Money brought in will make payment  
 on loan plus employee contract



# Knights of Columbus

Fourth Degree

POPE JOHN XXIII ASSEMBLY, No. 2434  
St. Albans, West Virginia 25177

City of Nitro  
Mayor Rusty Casto  
20<sup>th</sup> Street & 2<sup>nd</sup> Avenue  
Nitro, WV 25143

January 1, 2004

On Saturday, February 7, 2004, Pope John XXIII Assembly of the Knights of Columbus will be sponsoring the 3<sup>rd</sup> annual "Blue Mass" for all members of the Police/Fire and Emergency Services Department in Western Kanawha and Putnam Counties. It will be held at 5:00 p.m. at St. Francis of Assisi Church in St. Albans, WV.

After the church service, a spaghetti dinner will be held in the church community building. At this dinner we will honor several individuals who have performed services to the community above and beyond the call of duty.

We would hope that you and/or a member of your staff could attend so that we can give thanks and prayer for the men and women who product us in a daily basis.

Recent circumstances have made all of us realize how important these individuals are and always will be.

The spaghetti dinner will be FREE to all individuals who protect and serve our community.

For further information/details or to respond if you are attending, I can be reached by phone at 304-722-1976 (home) or 304 -722-3511 ext. 7 (work).

Thank you,

Paul Niedbalski, PFN,PGK



CITY OF NITRO  
COUNCIL MEETING MINUTES

JANUARY 20, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:00 pm. Present were Councilwoman at Large Brenda Tyler, Councilman at Large Timothy Sizemore, Councilmen A.A. "Joe" Savilla, David Miller, and Bobby Smith. Also present was City Attorney April Robertson. Absent were City Recorder Joan McClanahan, Councilman at Large Richard Savilla, Councilman Harry Miller III, and Treasurer Ralph Allison.

Kemron and DEP representatives were unable to be present at this Council Meeting. They will attend the Council Meeting on February 10, 2004 instead. That meeting will begin at 7:00 pm.

Mayor Casto said that since the last Council Meeting former Sanitary Board member Joe Brewer had passed away as had Councilman at Large Timothy Sizemore's father. Additionally City Recorder Joan McClanahan had hip replacement surgery. Mayor Casto also informed Council he had received a call stating that former Fire Chief Hatrack Hedrick had gone into cardiac arrest. He asked for a moment of silence for these individuals and their families.

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 THE 01-06-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE BRENDA TYLER MOVED FOR THE APPROVAL OF THE JANUARY 6, 2004 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – BUSINESS OF THE YEAR: Mayor Casto nominated Checkers and Rich Hively to receive the Corky and Evelyn Casto Business of the Year award for 2003. He stated that they are good to donate food and paper products to non-profit organizations. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THAT CHECKERS AND RICH HIVELY BE NAMED NITRO BUSINESS OF THE YEAR, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

He will be presented with a plaque at the next meeting.

AGENDA ITEM NO. 3 – SPECIAL MEETING 02-10-04: Mayor Casto suggested that the first Council Meeting in February be moved to the second Tuesday of the month since Kemron, FMC and DEP are unable to attend the first Tuesday.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THAT THE FIRST COUNCIL MEETING IN FEBRUARY BE HELD ON FEBRUARY 10, 2004 AT 7:00 PM SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 4 – MUNICIPAL ELECTION: Mayor Casto read a memo concerning the Municipal Election which will be held on June 1, 2004. COUNCILMAN DAVID MILLER MOVED THAT THE MEMO BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

COPY ATTACHED.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: Nothing to report at this time.

Councilman A.A. "Joe" Savilla asked City Attorney April Robertson to clarify the changes that need to be made in the specifications of the donation of money to the Children's Park from the Friends of the Jo Ellen "Jody" Conner Organization. City Attorney April Robertson stated that the organization specifically stated that the money be used strictly for the Children's Park. She suggested that they ask the organization to allow the money to be used for other Recreational purposes of Nitro City Park as the Children's Park is already done and does not need \$10,000.00. City Attorney April Robertson was given a copy of the contract to cleanup the language.

Councilman David Miller read the heading of a petition he was presented with from the citizens of 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> Street: WE THE CITIZENS OF NITRO DO HEREBY REQUEST CITY COUNCIL AND ALL OTHER PUBLIC AUTHORITIES IN NITRO TO REFUSE TO ALLOW MARK SANDERS AND STATEWIDE DEVELOPMENT TO ZONE ACREAGE ON THE TOP OF 10<sup>TH</sup>, 11<sup>TH</sup>, AND 12<sup>TH</sup> STREET TO BE ZONED FOR ANYTHING OTHER THAN SINGLE FAMILY DWELLINGS. WE REQUEST TO BE NOTIFIED OF ANY ZONING OR PERMIT REQUESTS SUBMITTED BY MR. MARK SANDERS. Copies will be given to City Attorney April Robertson, Councilman David Miller, the Zoning Board of Appeals, and the Planning Commission. COUNCILMAN DAVID MILLER MOVED THAT THE PETITION BE MADE A PART OF THE COUNCIL MINUTES, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

COPY OF PETITION ATTACHED.

AGENDA ITEM NO. 6 – RALPH ALLISON: Not Present

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS:

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT THE PAVING OF THE PARKING LOT BY THE CITY PARK BE PUT OUT FOR BID, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.



Councilman David Miller suggested that the Mayor contact the State Library Commission to see if they have development funds that they might contribute to the paving project.


Mayor Rusty Casto suggested that an agreement be signed that part of the parking lot be rented out to West Virginia Wheels with the proceeds being applied to the paving of the parking lot subject to the City Attorney's approval. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT PART OF THE PARKING AREA BE RENTED OUT TO WEST VIRGINIA WHEELS WITH THE PROCEEDS GOING TOWARD PAVING OF THE PARKING LOT, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

Councilman A.A. "Joe" Savilla reminded everyone of the Blue Mass on Sat. February 7, 2004 at 5:00 pm at the Catholic Church on 6<sup>th</sup> Avenue in St. Albans. A free dinner will follow in the church community building to all police, fire and emergency personnel.

Councilman David Miller asked about the status of the burnt house on 12<sup>th</sup> Street. Mayor Casto reported that they have someone to tear it down and they are just waiting to get a piece of equipment from out of town to commence work.

Councilman A.A. "Joe" Savilla asked the Mayor is he was going to approach Kanawha and Putnam counties to see what kind of redevelopment money is available to pave the Fike Artel Road. Mayor Casto stated that he had contacted the Governor and someone is supposed to meet with the City. He said that the State is on a freeze that they can't spend a dime on anything.

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

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

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





RUSTY CASTO  
MAYOR  
755-0705

JOAN McCLANAHAN  
RECORDER  
755-0707

JANUARY 20, 2004

FROM: JOAN McCLANAHAN  
NITRO CITY RECORDER  
755-0707

SUBJECT: NITRO MUNICIPAL ELECTION

ELECTION DATE: JUNE 1, 2004

ELECTIVE OFFICES OF MAYOR, CITY RECORDER, AT-LARGE COUNCIL(3)  
AND WARD COUNCIL(4) WILL BE ON THE BALLOT.

THOSE WISHING TO FILE FOR ONE OF THE ABOVE OFFICES MAY NOW PICK  
UP A CERTIFICATE OF ANNOUNCEMENT AND SIGNATURE PETITIONS AT  
NITRO CITY HALL DURING REGULAR BUSINESS HOURS.

THERE IS A \$10.00 FILING FEE.

THE FIRST DAY TO FILE IS MARCH 8, 2004 IN THE RECORDERS OFFICE.

THE LAST FILING DATE IS MARCH 26, 2004 AT THE END OF THE BUSINESS  
DAY.

THE LAST DAY TO WITHDRAW IS APRIL 5, 2004.

We citizens of Nitro do hereby request that the city council and all other public authorities in Nitro **REFUSE** to allow Mark Sanders and Statewide Development to zone the acreage on the top of 10th, 11th & 12th streets to be zoned for anything other than single family dwelling. We request to be notified of any zoning or permit request submitted by Mr. Mark Sanders.

Name	Address	Telephone
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Mr. & Mrs. Kenneth F. Miller	1132 11th St.	755-3668
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Mrs. E. Mrs. Thomas J. Sanders		755-2963
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Mr. & Mrs. George H. Beckwith Jr.		755 3979
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H. H. Beckwith Sr.		755-5844
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Edna Milkenat		755 1860
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Susan Milkenat		755 1860
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Terrell Mathes		755-8042
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Norma Jean Dixon		755-2216
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Herbert M. Dixon		755-2216
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Mary Trout		755-5935
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Art & Teresa Loner		755-6187
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Harri Faulkner		755-1941 550. 1094
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Mayorie Jones		755-1126
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Charles S. Raynes	1123 11th	755-3525
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We citizens of Nitro do hereby request that the city council and all other public authorities in Nitro **REFUSE** to allow Mark Sanders and Statewide Development to zone the acreage on the top of 10th, 11th & 12th streets to be zoned for anything other than single family dwelling. We request to be notified of any zoning or permit request submitted by Mr. Mark Sanders.

Name	Address	Telephone
Jessie L. Ragnus	1123 11th	755-3525
David F. Turley	1228 12TH	755-0255
Samuel S. Turley	1228 12TH	755-0255
Quentin L. Miller		755-1586
Richard & Richard II	1224 12th	755-0208
Barbara Hutchinson	1121 11th	755-2098
Ernie Buckalew	1114 11th	755-5684
Bertie Adkins	1113-	755-1319
Lesemore Briscoe	1312 -	755-1027
Walter J. Higgins	13th	
Norman E. Hume	1227 12th St	755-7969
Norman E. Hume	1227 12th St	755-7967
Mr. & Mrs. Eddie Terrell	608-6th St.	755-7646
Larry & Kay Wilson	1730-17th St.	755-1025



**We citizens of Nitro do hereby request that the city council and all other public authorities in Nitro REFUSE to allow Mark Sanders and Statewide Development to zone the acreage on the top of 10th, 11th & 12th streets to be zoned for anything other than single family dwelling. We request to be notified of any zoning or permit request submitted by Mr. Mark Sanders.**

[illegible]

Mr. Walter Wade 928 9th St N 755-5675

Small Square 1334 13th St 1552548

Almond Medical Clinic 102310th St. Suite 759, 0220

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 10, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:00 pm. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilmen at Large Richard Savilla and Timothy Sizemore, Councilmen David Miller, and Bobby Smith. Also present were City Attorney April Robertson, and City Treasurer Ralph Allison. Absent were Councilmen A.A. "Joe" Savilla and Harry Miller III.

Mayor Casto informed Council that the Invocation and Pledge of Allegiance will be held later in the meeting.

AGENDA ITEM NO. 1 – APPROVAL OF THE 01-20-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THAT THE JANUARY 20, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. CITY RECORDER JOAN MCCLANAHAN ABSTAINED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto introduced Mayor Bradshaw of Chesapeake. On behalf of the Kanawha County Commission Mayor Bradshaw read a proclamation naming Nitro Mayor Rusty Casto as the recipient of the Public Servant of 2003 Award. A big round of applause followed.

AGENDA ITEM NO. 3 – JIM RIFFLE, PRES. NITRO FIREMEN'S ASSN. (FUND RAISER): Mr. Riffle requested Council's permission for the Nitro Firemen's Assn. to embark upon an agreement with Tri State Photo for a fund raiser. They will canvas the City Feb. 23 selling \$10.00 coupons for an 11x13 portrait. The photo shoot will be held March 20, 21, and 28. Pictures can be picked up April 4<sup>th</sup>. Additional photos may be purchased. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT COUNCIL ALLOW THE NITRO FIREMEN'S ASSN. TO CONTRACT WITH TRI STATE PHOTO FOR A FUNDRAISER, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: City Attorney April Robertson addressed Council concerning the draft of an ordinance that will authorize the Municipal Court Clerk to perform additional duties. In the past the Municipal Court met twice a month, but now it meets every week; therefore the Police Chief has requested that the Clerk be able to do additional duties.



COUNCILMAN DAVID MILLER MADE A MOTION THAT THE ORDINANCE AUTHORIZING THE MUNICIPAL COURT CLERK TO PERFORM ADDITIONAL DUTIES BE READ BY TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT THE ORDINANCE BE ACCEPTED ON THE FIRST READING, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

City Attorney April Robertson informed Council that she had a redrafted agreement for all Council Members to sign. This agreement is regarding the donation that was made which will rename the Children's Park.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Treasurer Ralph Allison requested that all Department Heads have their budget requests to him by Friday February 13<sup>th</sup>. The first Budget Meeting will be Thursday February 19<sup>th</sup> at 7:00 pm in the Council Chambers if it is available.

Mayor Casto informed Council that the Nitro Regional Waste Water Utility submitted their budget for approval. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MOVED THAT THE BUDGET FOR THE NITRO REGIONAL WASTE WATER UTILITY BE ACCEPTED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.  
COPY ATTACHED.

MAYOR'S COMMENTS: Mayor Casto reported that he met with Gov. Bob Wise last week and he believes there is a good chance that 21<sup>st</sup> Street will be paved this spring. The Mayor also submitted a grant for the pool.

Councilwoman at Large Brenda Tyler called for a meeting of the Annexation Committee Thursday February 12<sup>th</sup> at 7:00 pm in Council Chambers.

COUNCIL MEETING WAS ADJOURNED AT 7:15 PM.

COUNCIL MEETING RECONVENED AT 7:30 PM.

Mayor Casto asked for a moment of silence in memory of former Fire Chief E. W. "Hatrack" Hedrick who recently passed away.

COUNCILWOMAN BRENDA TYLER GAVE THE INVOCATION.

CHARLTON JORDAN LED THE PLEDGE OF ALLEGIANCE, ASSISTED BY FIREMEN CASEY MATHIS AND CHAD MATHIS.

Councilman Harry Miller III entered the meeting.

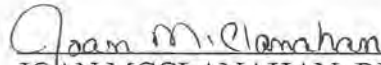


AGENDA ITEM NO. 7 – KEMRON: David Hight and Chris Amick gave an update on the progress of the clean-up of the former Smith Street Landfill. A question and answer session followed. Representatives from Kemron will be present at upcoming Council Meetings to give further updates.

There being no further business, COUNCILMAN HARRY MILLER III MOVED THE MEETING BE ADJOURNED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

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RUSTY CASTO, MAYOR

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

ORDINANCE NO. 04- 01

AN ORDINANCE TO VEST IN THE MUNICIPAL COURT CLERK, IN THE ABSENCE OF THE MUNICIPAL JUDGE, THE POWER AND AUTHORITY TO ISSUE WARRANTS FOR ARREST, TO ADMINISTER OATHS, AND TO ACCEPT AND APPROVE SURETIES AND BONDS.

WHEREAS, the City Council of the City of Nitro ("City") finds that the number of City police officers has increased over the years resulting in a corresponding increase in the number of arrests; and

WHEREAS, said increase in arrests has resulted in the need to convene Municipal Court on a weekly basis and, consequently an increase in the related paperwork and tasks; and

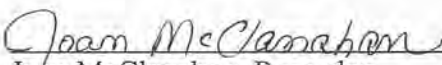
WHEREAS, the Municipal Judge is not always available to perform certain duties necessary to process the Court's increased caseload.

THEREFORE, the City hereby vests in the Municipal Court Clerk, only in the absence of the Municipal Judge, the power and authority to issue warrants for arrest, to administer oaths, and to accept and approve sureties and bonds. Such person shall be appointed by confirmation of the governing body of the City. Likewise, such authority may also be subsequently removed by action of the governing body.

Passed on first reading: FEBRUARY 10, 2004

Adopted on second reading: \_\_\_\_\_

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

  
\_\_\_\_\_  
Joan McClanahan, Recorder

NITRO REGIONAL WASTEWATER UTILITY

## FISCAL YEAR 2004-2005 BUDGET

ACCOUNT NAME	ACCOUNT NO.	BUDGET	MONTHLY BUDGET
DOMESTIC SERVICE	3101	\$1,498,343	\$124,861.91
INDUSTRIAL SERVICE	3131	\$36,392	\$3,032.65
PENALTIES	3170	\$48,815	\$4,067.90
INTEREST INCOME	3201	\$24,581	\$2,048.45
UTILITY TAX INCOME	3300	\$19,592	\$1,632.63
MISCELLANEOUS INCOME	3162	\$33,430	\$2,785.81
<b>TOTAL INCOME</b>		<b>\$1,661,152</b>	<b>\$138,429</b>
BILLING COLLECT/ACCT.	7951	\$34,000	\$2,833.33
EQUIPMENT RENTAL	7036	\$2,000	\$166.66
INTEREST	9026	\$124,422	\$10,369
LABOR & RELATED EXPENSES	8007	\$683,348	\$56,945.70
MISC. GENERAL EXP.	8010	\$20,242	\$1,686.83
PLANT OPERATING EXPENSE	7461	\$4,800	\$400.00
PROPERTY & LIABILITY INS.	7980	\$31,583	\$2,631.90
RENT	8030	\$8,400	\$700
SHOP & LAB	7246	\$13,431	\$1,119.26
SLUDGE RELATED	7441	\$13,382	\$1,115
SPECIAL SERVICES	7970	\$40,000	\$3,333
SUPPLIES	7930	\$20,000	\$1,666.66
SYSTEM MAINT. & REPAIR	7952	\$40,000	\$3,333.33
UTILITIES	7934	\$125,298	\$10,441.50
VEHICLE EXPENSES	7931	\$36,966	\$3,080.51
BOND PAYMENTS		\$422,219	\$35,184.91
RESERVE & REPLACEMENT		\$41,060	\$3,421.64
<b>TOTAL EXPENSE</b>		<b>\$1,661,152</b>	<b>\$138,429</b>



CITY OF NITRO  
COUNCIL MEETING MINUTES

FEBRUARY 17, 2004

Mayor Rusty Casto called the Council 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.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 02-10-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THAT THE FEBRUARY 10, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED. COUNCILMAN A.A. "JOE" SAVILLA ABSTAINED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Bryan Casto, Building Inspector informed Council that this Friday the burnt structure on 12<sup>th</sup> Street is to be removed. He also reported that he has been contacted by RC&D concerning the Nitro WWI War Museum owned by Jack Moody. They are interested in helping the City acquire this museum. A company in Texas has made an offer to Mr. Moody for the contents and RC&D is working to match their offer to keep the articles in the community. They also want to raise money to buy the property so they can renovate the property or build a new structure. Bryan also reported that he met with the Power Company at Ridenour Lake concerning the light for sled riding. There is a problem with the transformer and it may take a month or more for that to be fixed.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: Mayor Rusty Casto named Decotis Jones February Citizen of the Month. He will turn 103 years old on February 18, 2004. Mayor Casto will award him this honor at a party held in his honor on Saturday February 21 at 4:00 pm.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: City Attorney April Robertson informed Council that there could be a second reading at this meeting of the ordinance to authorize the Municipal Court Clerk to perform additional duties. COUNCILMAN HARRY MILLER III MADE A MOTION THAT THE ORDINANCE AUTHORIZING THE MUNICIPAL COURT CLERK TO PERFORM ADDITIONAL DUTIES BE

READ BY TITLE ONLY, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COUNCILMAN HARRY MILLER III MADE A MOTION THAT THE ORDINANCE IS PASSED ON SECOND READING, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.  
ORDINANCE 04-01 ATTACHED.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Treasurer Ralph Allison reminded everyone of the first Budget Meeting Thursday February 19 at 7:00 pm in Council Chambers. All department heads need to be present.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS:

Councilman Bobby Smith asked if there had been an Ordinance concerning cats written yet. City Attorney April Robertson reported that they are trying to come up with a mutual Animal Control Ordinance to be used by both the cities of Nitro and Dunbar. She has submitted two different versions to Mr. Swisher, Dunbar City Attorney. She will call to check on the status of these drafts.

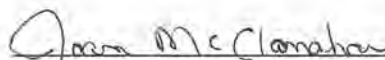
Councilman David Miller thanked Building Inspector Bryan Casto for his work on having the burnt structure on 12<sup>th</sup> Street removed. He also thanked Mayor Rusty Casto for helping to expedite having the new line put in next to the Church of God to help get rid of the water and ice.

Councilman A.A. "Joe" Savilla complimented the Nitro Police and Fire personnel for their performance at the funerals of former Fire Chief E. W. "Hatrack" Hedrick and former WV State Police Captain Jack Ritter, Cpl Oxley's grandfather. Cpl. Oxley also complimented the Police Department on their planning of his grandfather's funeral.

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



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER



ORDINANCE NO. 04- 01

AN ORDINANCE TO VEST IN THE MUNICIPAL COURT CLERK, IN THE ABSENCE OF THE MUNICIPAL JUDGE, THE POWER AND AUTHORITY TO ISSUE WARRANTS FOR ARREST, TO ADMINISTER OATHS, AND TO ACCEPT AND APPROVE SURETIES AND BONDS.

WHEREAS, the City Council of the City of Nitro ("City") finds that the number of City police officers has increased over the years resulting in a corresponding increase in the number of arrests; and

WHEREAS, said increase in arrests has resulted in the need to convene Municipal Court on a weekly basis and, consequently an increase in the related paperwork and tasks; and

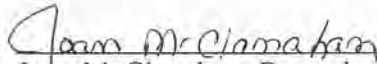
WHEREAS, the Municipal Judge is not always available to perform certain duties necessary to process the Court's increased caseload.

THEREFORE, the City hereby vests in the Municipal Court Clerk, only in the absence of the Municipal Judge, the power and authority to issue warrants for arrest, to administer oaths, and to accept and approve sureties and bonds. Such person shall be appointed by confirmation of the governing body of the City. Likewise, such authority may also be subsequently removed by action of the governing body.

Passed on first reading: FEBRUARY 10, 2004

Adopted on second reading: FEBRUARY 17, 2004

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

  
\_\_\_\_\_  
Joan McClanahan, Recorder



## CITY OF NITRO

## ✓ COUNCIL MEETING MINUTES

MARCH 2, 2004

City Recorder Joan McClanahan called the Council Meeting to order in Council Chambers at 7:30 pm. 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 was City Attorney April Robertson. Absent were Mayor Rusty Casto and City Treasurer Ralph Allison.

Mayor Rusty Casto was absent due to the funeral of Dean Miller who was a former member of City Council, Planning Commission, NDA and other committees.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

CAPTAIN RONNIE KING OF THE NITRO FIRE DEPARTMENT LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 2-17-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THAT THE FEBRUARY 17, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED. COUNCILMAN AT LARGE RICHARD SAVILLA ABSTAINED.

AGENDA ITEM NO. 2 – SMITH STREET LANDFILL REPORT: David Hight and Chris Amick of Kemron gave an update on the progress of the former Smith Street Landfill clean up. Work has started on the risk assessment and they project to have a final report on this assessment to present at the April 20, 2004 Council Meeting.

Project managers are assembling a citizens advisory committee to consult on the ongoing landfill project. If interested they should contact Mayor Casto or David Hight with the WV Department of Environmental Protection.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: The Nitro High School Girl's Basketball team has been named the March Citizen of the Month. They were unable to attend tonight's meeting due to a basketball game so they will be presented the award at the next Council Meeting.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: City Attorney April Robertson reported that the City of Charleston has made recent efforts to control the proliferation of the video lottery establishments. She inquired whether City Council would like to place a similar moratorium on these establishments or possibly amend the zoning ordinances. Building Inspector Bryan Casto reported that his office receives requests on a weekly basis concerning vacant buildings for these types of businesses. There are presently three

such businesses going in on Main Avenue. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT AN ORDINANCE BE PREPARED TO PLACE A MORATORIUM ON VIDEO LOTTERY ESTABLISHMENTS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 4 – RALPH ALLISON: City Recorder Joan McClanahan reported that she spoke with City Treasurer Ralph Allison and he is working on the budget. There will be another budget meeting on Thursday March 4, 2004 at 7:00 pm in Council Chambers.

AGENDA ITEM NO. 5 – MAYOR'S COMMENTS:

Councilman David Miller is working on a clean up project to take place on April 24, 2004 in conjunction with Earth Day. There will be a litter clean up at Ridenour Lake and the Blakes Creek Road area.

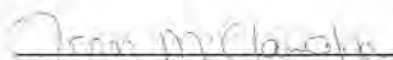
Councilman at Large Timothy Sizemore reported that he has been in contact with the Department of Highways and was told that a Purchase Order was written to pave 21<sup>st</sup> Street. He was not sure how much of the street would be paved. Councilwoman at Large Brenda Tyler stated that Mayor Casto met with the Governor and was told that they would pave 21<sup>st</sup> Street to 3<sup>rd</sup> Avenue.

Councilwoman at Large Brenda Tyler informed Council that she has been working with the Mayor on a recycling program that the Senior Citizens have expressed interest in. Public Works will start picking up newspapers to recycle on the fourth Friday of each month starting in March. Residents need to call the Public Works Department and give their name and address if they want their newspapers to be picked up. Councilwoman at Large Brenda Tyler has also met with several people concerning the expansion of the Children's Park and the Recreation Program. She has had two meeting with Tri State Gaming and they have expressed interested in helping the program and are looking into setting up a matching grant program. She is also going to meet with personnel from the City of Clarksburg who have set up a similar project and have had much success with it.

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

## COUNCIL MEETING MINUTES

MARCH 16, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 pm. 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, Harry Miller III. Also present were City Attorney April Robertson, and City Treasurer Ralph Allison.

Mayor Rusty Casto presented the Nitro High School Girls' Basketball team with the March Citizen of the Month Award. They all received a complimentary meal from Diehl's Restaurant.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

MEGHAN WITHROW OF THE NITRO HIGH SCHOOL GIRLS' BASKETBALL TEAM LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 3-2-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THAT THE MARCH 2, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – SMITH STREET LANDFILL REPORT: Mr. Hight gave an update on the progress of the Smith Street Landfill clean up. A question and answer session followed.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTION: Councilwoman at Large Brenda Tyler introduced Kathy Belcher, and Rene' Graves. Kathy Belcher presented to Council her idea of having a free Kid's Day during the summer for the children of Nitro. Children would pre-register and receive a tee-shirt, lunch, and take part in activities. June 5, 2004 has been set as the tentative date. They would like it to be a community event sponsored by Council. COUNCILMAN AT LARGE TIMOTHY SIZEMORE MADE A MOTION THAT JUNE 5, 2004 BE DECLARED KID'S DAY IN THE CITY OF NITRO, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 4 – BID OPENING – HEATER FOR POOL: City Recorder Joan McClanahan reported that there was only one bid for a pool heater. Councilman at Large Richard Savilla opened the bid was from Recreonics for \$5,907.00. This bid will be submitted to Committee for consideration.



AGENDA ITEM NO. 5 – BID OPENING – PAVING PARK PARKING LOT: City Recorder Joan McClanahan presented the bids for the paving of the parking lots around the library and at the park. There were a total of four bids. Councilman David Miller read a bid from Skilton Construction for \$59,924.29. Councilman at Large Richard Savilla read a bid from Nichols Wright Paving. Their bid for Area A was \$50,900.00 and Area B was \$8,550.00. Councilman at Large Timothy Sizemore read a bid from Blacktop Industries for \$48,501.00. Councilwoman at Large Brenda Tyler read a bid from West Virginia Paving for \$55,532.00. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION THAT THE BIDS BE REVIEWED BY THE RECREATION COMMITTEE AND REPORTED ON AT THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 6 – POOL REPORT: Sarah Lett, Manager of the pool was unable to attend due to her work schedule. COUNCILMAN HARRY MILLER III MADE A MOTION THAT THE POOL REPORT BE TABLED UNTIL THE NEXT COUNCIL MEETING OR UNTIL THE RECREATION COMMITTEE HAS MET; WHICHEVER COMES FIRST, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 – RIC FUNDING: City Recorder Joan McClanahan reported that the annual contribution to RIC, Regional Intergovernmental Council, is due. The assessment this year is \$1,871.89. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT COUNCIL APPROVE THE ANNUAL CONTRIBUTION TO RIC, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.  
COPY ATTACHED.

AGENDA ITEM NO. 8 – APRIL ROBERTSON: City Attorney April Robertson presented an ordinance establishing a 90 day moratorium on limiting video lottery establishments within the City. This was based on the number of requests that the Building Department is receiving on a weekly basis. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION THAT THE ORDINANCE BE READ BY TITLE ONLY, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED. “AN ORDINANCE FOR A 90-DAY MORATORIUM ON LOCATING VIDEO LOTTERY ESTABLISHMENTS WITHIN THE CITY LIMITS OF NITRO, WEST VIRGINIA.”

COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION THAT THE ORDINANCE BE ACCEPTED, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.  
ORDINANCE 04-02 ATTACHED.

Attorney April Robertson informed Council that the City has been notified that their application for the Antique District sign on I-64 has been approved.

AGENDA ITEM NO. 9 – RALPH ALLISON: City Treasurer Ralph Allison presented to Council the proposed budget for the fiscal year ending June 2005. COUNCILMAN HARRY MILLER III MADE A MOTION TO APPROVE THE BUDGET, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. BUDGET ATTACHED.

AGENDA ITEM NO. 10 – MAYOR'S COMMENTS:

Councilman Bobby Smith read a letter from Connie Reddington commending the Police Department for a job well done. COUNCILMAN HARRY MILLER III MOVED THAT THE LETTER BE MADE PART OF THE MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED. COPY OF LETTER ATTACHED.

Councilman David Miller thanked the Public Works Department for their work in cleaning the area between Rt. 25 and the railroad right of way.

COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT THE MAYOR WRITE A LETTER TO THE PUBLIC SERVICE COMMISSION OPPOSING THE RATE INCREASE BY THE WEST VIRGINIA AMERICAN WATER COMPANY, SECONDED BY COUNCILMAN DAVID MILLER, AND WAS CARRIED.

COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION TO APPOINT FRANK GROVER, JR. TO THE NDA EFFECTIVE APRIL 1, 2004, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Councilwoman at Large Brenda Tyler reported that Kanawha County Planning and Community Development is planning an annual clean up for Kanawha County on Friday April 2 and Saturday April 3. It will be held at the old Sam's Club location off I64. Citizens can take recyclables to this area to have them disposed of.

Council received a thank you from the family of Dean Miller for the flower arrangement sent at his passing and appreciation for the support shown the family.

Nitro Little League is celebrating its 50<sup>th</sup> anniversary this year and there will be a celebration tentatively set for June 10, 2004.

There is a main door at the City Garage that needs repaired. City Treasurer Ralph Allison reported that they received an estimate for repairs of \$2,500.00.

Captain Shawn Alderman reported that in September 2003 the West Virginia Regional Response Team had a training in Trench Rescue Awareness at the City Garage. Sixteen employees of the Public Works Department dug trenches in a constant downpour during the three days of training. Captain Alderman expressed his appreciation for their help and certified those individuals in Trench Rescue Awareness. COUNCILMAN "A.A." JOE SAVILLA MADE A MOTION TO INCLUDE THE LIST OF NAMES IN THE MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

NAMES OF INDIVIDUALS CERTIFIED IN TRENCH RESCUE AWARENESS ATTACHED.

Mayor Rusty Casto reported that March 26, 2004 at 4:00 pm is the deadline to run for City Offices.

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




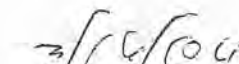
## CERTIFICATION

I, Rusty Casto, duly elected Mayor, of the City of Nitro, do hereby certify that the FY 2005 Funding Formula adopted by the BCKP Regional Intergovernmental Council was submitted to the City Council of the City of Nitro, and that said Funding Formula was approved by the City Council of Nitro and that the City of Nitro's financial contribution to the BCKP Regional Intergovernmental Council as set forth in said funding formula was approved and included in the City of Nitro FY 2005 Budget.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Date

## LOCAL CONTRIBUTION SCHEDULE

	2005 TOTAL CONTRIBUTION
BOONE CO.	8467.33
CLAY CO.	2066.51
KANAWHA CO.	27182.73
PUTNAM CO.	14119.00
BANCROFT	62.39
BELLE	401.58
BUFFALO	206.77
CEDAR GROVE	158.05
CHARLESTON	21118.67
CHESAPEAKE	285.86
CLAY	133.07
CLENDENIN	283.44
DANVILLE	158.50
DUNBAR	1941.84
EAST BANK	184.38
ELEANOR	343.77
GLASGOW	460.47
HANDLEY	62.33
HURRICANE	1433.78
JEFFERSON	239.68
MADISON	569.13
MARMET	415.05
NITRO	1871.89
POCA	225.43
PRATT	106.76
ST.ALBANS	2995.42
SO. CHARLESTON	5779.69
SYLVESTER	33.13
WHITESVILLE	106.30
WINFIELD	590.05
	92003.00

ORDINANCE NO. 04- 02

**AN ORDINANCE FOR A 90-DAY MORATORIUM ON  
LOCATING VIDEO LOTTERY ESTABLISHMENTS  
WITHIN THE CITY LIMITS OF NITRO, WEST VIRGINIA.**

WHEREAS, the City of Nitro, West Virginia, has a substantial governmental interest in protecting the public health, safety, and morals of its residents; and

WHEREAS, video lottery establishments, by their very nature, require special supervision by agencies of the City to protect and preserve the health, safety, and welfare of the employees, patrons, and neighbors of video lottery establishments and city residents; and

WHEREAS, video lottery establishments, by their very nature, have objectionable operational characteristics, particularly when located proximately to each other, thereby contributing to blight and the degradation of the quality of life in adjacent areas; and

WHEREAS, the regulation of the location of video lottery establishments within the municipal limits is necessary to prevent undesirable secondary effects on surrounding areas, including, without limitation, a tendency to attract an undesirable number of transients, to deflate real property values, to blight residential and commercial areas, and to impede the development of businesses and residences; and

WHEREAS, the City Council of the City of Nitro, West Virginia, at its regularly scheduled meeting on March 2, 2004, duly and officially declared the existence of a bona fide emergency situation under Article 111.05 of the Codified Ordinances of the City of Nitro, West Virginia, whereby the City is receiving an alarming increase in the number of requests concerning vacant buildings for the use of these types of businesses; and

WHEREAS, the Kanawha County Commission, currently is considering the enactment of an ordinance that would regulate the location of video lottery establishments within their jurisdiction and has in effect a moratorium to preclude the creation of any such new businesses; and

WHEREAS, the City would benefit from enacting an ordinance complementary with that of Kanawha County, and to exploit that benefit, the City Council, the Planning Commission and others require time in which to review and study such ordinance.

THEREFORE, be it ORDAINED by the City Council of the City of Nitro, West Virginia, that, and without complying with the usual and customary rules regarding ordinance procedures under the current emergency circumstances, pursuant to Chapter 8, Article 11, Section 4(d)(1) of the West Virginia Code of 1931, as amended, the followings moratorium is in effect:

Section 1. Moratorium.

- (a) On and after the effective date, it shall be unlawful for any person to locate or



establish a video lottery terminal establishment in or on any improvement (or part thereof) within the municipal limits during the moratorium except if such person is a video lottery permittee that is authorized to operate video lottery terminals thereon, or if such use is an existing use before the effective date.

(b) During the moratorium, no commission, board, agency, officer or employee of the City of Nitro shall issue, grant or approve any permit, license, certificate or any other authorization for any construction, reconstruction, alteration, enlargement or relocation of any improvement, or for any use of parcel or parcels of land, for any video lottery terminal establishment.

(c) The moratorium shall terminate after ninety (90) consecutive days after the effective date.

## Section 2. Purpose.

It is the purpose of this Ordinance to impose the moratorium on the location, establishment and operation of any video lottery establishment within the municipal limits in order to preclude the creation of non-conforming uses until (1) such time that the Planning Commission is able to review conditions in which future video lottery establishments may be located, established and operated in the merritorial limits in accordance with community standards and the Zoning Ordinance; (2) the Planning Commission is able to draft and recommend to the City Council an amendment to the Zoning Ordinance with respect to video lottery establishments upon due notice to the residents pursuant to Article 24, Chapter 8 of the West Virginia Code; and (3) the City Council thereafter is able to consider the adoption of an amendment to the Zoning Ordinance upon due notice to the public; or the expiration of the moratorium, whichever shall come first.

It is not the purpose of this Ordinance to permanently bar any video lottery establishment from within the municipal limits, nor to regulate the number of video lottery establishments within the municipal limits.

## Section 3. Definitions.

For purposes of this Ordinance, the following words or terms shall have the meanings ascribed to them except when the context suggests other:

3.1 "Effective Date" means March 2, 2004, on which the Ordinance becomes effective and relates back to the declaration of emergency cited in the recitals to this Ordinance.

3.2 "Existing Use" means the use or uses as a Video Lottery Establishment to which a parcel or parcels of land (or part thereof) within the Municipal Limits, or part or all of any Improvement thereon, before the Effective Date are lawfully pursued by a Video Lottery Permittee under local, State and Federal law, or, if not lawfully pursued under local State and Federal law on the Effective Date, the use or uses as a Video Lottery Establishment to which a parcel or parcels of land (or part thereof) within the Municipal Limits, or part or all of any Improvement thereon

before the Effective Date if such use or uses as a Video Lottery Establishment have been authorized for a Video Lottery Permittee for a particular Improvement within the Municipal Limits by the State Lottery Commission under W. Va. Code § 29-22B-101 before the Effective Date.

3.3 “Improvement” means any structure or building whether or not existing on the Effective Date located or, if there is a vested right to erect such structure or building, to be located within the Municipal Limits.

3.4 “Moratorium” means a fixed period of time beginning with and including the Effective Date during which there is a prohibition of the establishment or undertaking of a prescribed use or uses of land or any Improvement.

3.5 “Person” means any natural person or any corporation, association, partnership, limited partnership, limited liability company or other entity, regardless of its form, structure or nature.

3.6 “Planning Commission” means the public body of persons established by the City Council under W. Va. Code § 8-24-1.

3.7 “Building Inspector” means the person whom the City Council has charged with the enforcement of the subdivision, location improvement, and zoning ordinances of the City.

3.8 “Municipal Limits” shall mean those portions of land or area within the boundaries of the City.

3.9 “Video Lottery” means an electronically simulated game of chance that is approved, owned and controlled by the State Lottery Commission under W. Va. Code § 29-22B-101 *et seq.*, and which is further defined under W. Va. Code § 29-22B-332.

3.10 “Video Lottery Establishment” means any Improvement existing or to be constructed and the lot, tract, or parcel on which it is situate within the Municipal Limits that contains or is intended by a Video Lottery Permittee to contain one or more Video Lottery Terminals for public or private use.

3.11 “Video Lottery Permittee” means any licensed operator or a licensed video lottery retailer that has a permit to own, lease or operate for profit or otherwise Video Lottery Terminals issued under W. Va. Code § 29-22B-1101 through 29-22B-1113.

3.12 “Video Lottery Terminal” means a State Lottery Commission-approved machine or device that is compatible with the State Lottery Commission’s central computer system and that is used for the purpose of playing video lottery games authorized by the State Lottery Commission by no more than one player at a time.

## Section 5. Administration and Enforcement.

5.1 It shall be the duty of the Building Inspector or his duly authorized agent to administer



and enforce the provisions of this Ordinance, except as otherwise expressly provided in the Ordinance.

5.2 It shall be the duty of the Building Inspector to:

(a) Conduct investigations as necessary to determine compliance with or violation of this Ordinance;

(b) Abate any violation of the Ordinance;

(c) Seek the assistance of the office of the Chief of the City Police or the office of the Prosecuting Attorney of the City, as the case may be, to abate or prosecute any violation of this Ordinance;

(d) Assist law enforcement officers to abate or prosecute any violation of this Ordinance; and

(e) Provide information about this Ordinance upon request of residents and public agencies.

5.3 Procedures for Violations.

(a) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Inspector. The Building Inspector shall record properly such complaint, conduct appropriate investigation, and take action thereon as the Ordinance provides.

(b) If the Building Inspector finds that any of the provisions of Ordinance are violated, whether reported by residents or by any commission, board, agency, officer or employee of the City, or by his own observation, he shall notify in writing the person responsible for such violation. Service of the written notice shall be deemed complete upon sending the notice by certified mail to the last known address of the person or by personal service by the office of the Chief of the City Police.

(c) Any such notice of a violation of this Ordinance shall include the following:

(i) Street address or legal description of the property involved, including identification by the tax district and tax map and parcel numbers;

(ii) A statement of the nature of the violation;

(iii) A description of the action required to correct the violation;

(iv) A statement of the time within which compliance with the Ordinance must be accomplished; and



(v) A statement that upon failure to comply with the requirements of the notice, the Building Inspector shall take such enforcement actions as the Ordinance authorizes.

(d) The Building Inspector may order discontinuance of any use of a parcel or parcels of land or any Improvements that does not conform to the Ordinance by issuing a written order. The Building Inspector may seek other remedies provided by law, including, without limitation, injunction, abatement by judicial proceeding in the Circuit Court of the County in which the parcel is situate.

(e) The Building Inspector may impose a monetary fine not to exceed \$1,000.00 a day against any person or persons who violate the Ordinance or any order or decree issued thereunder.

(f) Nothing contained in the Ordinance shall be deemed to prevent the City Council from pursuing other lawful actions to prevent or remedy violations of this Ordinance.

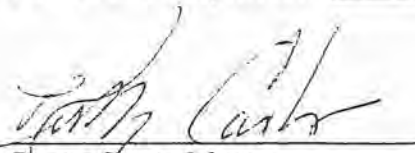
#### Section 6. Existing uses safeguarded.

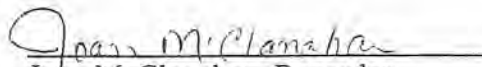
The Moratorium shall not prohibit the continuance of the Existing Use of any land or Improvement (or part thereof) for the purpose for which such land or Improvement (or part thereof) is used on the Effective Date. The Moratorium shall not prohibit the alteration or replacement of any Improvement for the purpose for which the Improvement is used on the Effective Date, except that the use shall not be expanded or enlarged unless it shall conform to the Ordinance.

#### Section 7. Abandonment of a non-conforming use.

Notwithstanding anything in this Ordinance to the contrary, if an existing use is non-conforming with the Moratorium has been abandoned, any future use of such land or Improvement shall conform with the Ordinance.

Passed and adopted on: MARCH 16, 2004

  
Rusty Casto, Mayor

  
Joan McClanahan, Recorder

<b>REVENUE</b>	
	FINAL
	June 30, 2005
PROPERTY TAX	974,081
BUILDING PERMITS	33,000
INSPECTION FEES	4,000
PAR INDUSTRIES	168,000
B & O TAX	850,000
THF REALTY B & O TAX	65,000
UTILITY TAX	250,000
PARKS AND POOL	50,000
LIQUOR TAX	20,000
BUSINESS LICENSES	36,000
DOG TRACK	400,000
INTEREST INCOME	1,800
CIVIC BENEFITS ASSOC	30,000
RENT INCOME	16,100
COURT COSTS	50,000
LIBRARY FEES	750
MUNICIPAL SERVICE	675,000
FRANCHISE FEES	36,000
COAL SEVERANCE	14,000
REIMBURSEMENTS:	
INSURANCE	36,000
CITY CALENDAR	7,000
FIRE TRUCK	54,000
HOSPITALIZATION	17,000
POLICE WAGES	42,000
MISCELLANEOUS	1,000
TOTAL	3,830,731

<b>MAYOR</b>	
	FINAL
	June 30, 2005
SALARIES	33,000
RETIREMENT	3,465
FICA TAX	2,525
DUES	2,000
DEPT SUPPLIES	1,000
TRAVEL	500
CALENDAR	7,000
	49,490

**CITY COUNCIL**

	FINAL June 30, 2005
SALARIES	16,800
RETIREMENT	756
FICA TAX	1,285
SUPPLIES	56,293
SENIOR CITIZENS	5,000
	80,134

**CITY RECORDER**

	FINAL June 30, 2005
SALARIES	17,500
RETIREMENT	1,838
FICA TAX	1,339
LEGAL ADS	3,500
SUPPLIES	750
TRAVEL	500
RECORD BOOKS	1,000
ELECTIONS	-
	26,427



**TREASURER**

	FINAL June 30, 2005
SALARIES	20,000
FICA TAX	765
CONTRACT SERVICES	2,500
SUPPLIES	100
WORKERS COMPENSATION	130,000
	153,365

**BUILDING INSPECTOR**

	FINAL June 30, 2005
SALARIES	30,160
RETIREMENT	3,167
FICA TAX	2,307
DUES	400
DEPT SUPPLIES	3,000
CONTRACT SERVICES	5,000
AUTO SUPPLIES	1,500
UNIFORMS	800
EDUCATION	3,000
CAPITAL OUTLAY	
	49,334

CITY HALL	
	FINAL June 30, 2005
SALARIES	57,000
RETIREMENT	5,985
FICA TAX	4,361
PROFESSIONAL SERVICES	20,000
INSURANCE	150,244
DEPT SUPPLIES	25,000
GROUP INSURANCE	400,000
ELECTRIC	17,000
GAS	6,000
WATER	10,000
TELEPHONE	16,000
FIRE HYDRANTS	12,900
STREET LIGHTING	57,000
	781,490





## MUNICIPAL COURT

	FINAL
	June 30, 2005
JUDGE	6,000
PROSECUTOR	5,000
COURT CLERK	23,730
RETIREMENT	2,492
FICA TAX	1,815
OFFICE SPACE FOR JUDGE	1,200
OFFICE SUPPLIES	500
JUROR FEES	1,000
CRIME VICTIMS FUND	16,000
REGIONAL JAIL EXPENSES	
CAPITAL OUTLAY	
	57,737

**FIRE DEPARTMENT**

	FINAL June 30, 2005
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 AND REPAIRS	10,000
TRAINING	10,000
FIRE PREVENTION OFFICER	2,000
EMT & PARAMEDIC & HAZ-MAT	7,500
CAPITAL OUTLAY	95,440
	642,853

11

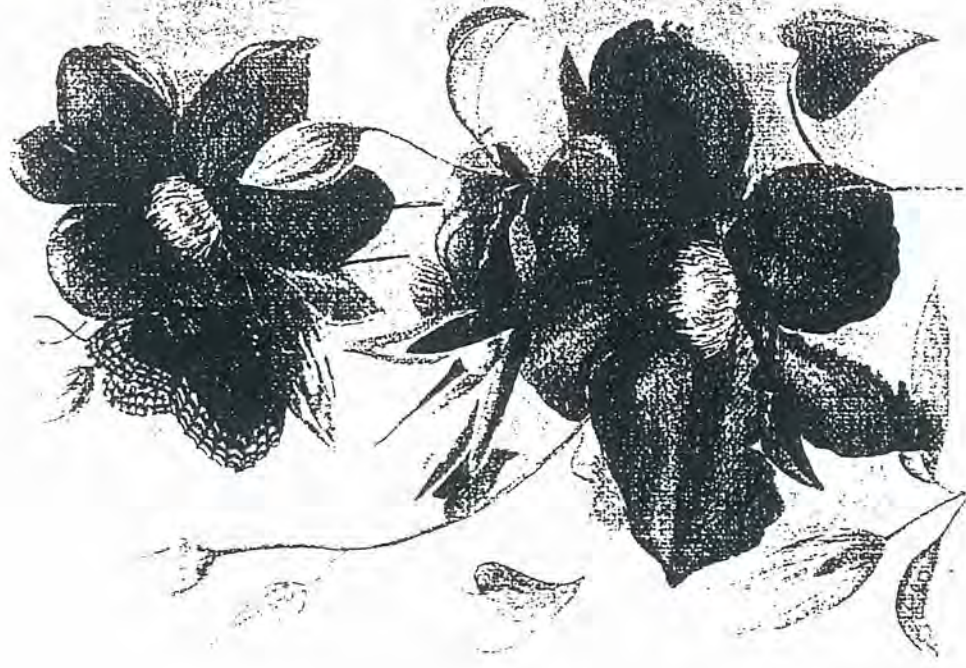


**POOL**

[illegible]

## LIBRARY

	FINAL June 30, 2005
SALARIES	34,320
RETIREMENT	3,604
FICA TAX	2,625
CONTRACT SERVICES	2,500
DEPT SUPPLIES	600
EDUCATAION	375
MAINTENANCE	600
BOOKS	3,000
CAPITAL OUTLAY	
	47,624



— just wanted  
 "Thank You" for  
 responding quickly and  
 doing everything in your  
 power to help me on  
 March 9th at my business,

I appreciate you  
 and your officers who  
 were polite, courteous to  
 me and as a citizen and  
 business owner we can work  
 together to make your job  
 easier and streets safer.  
 C Reddington

MICHAEL DUNLAP  
RICHARD EASTER  
LONZEL ELLIS  
JOEY FIELDS  
RANDY FIELDS  
JAMES GRALEY  
A.J. HILL  
MICHAEL HILL  
CARL HINCKLEY  
JODY JIVIDEN  
JASON JONES  
DANNY LEWIS  
DELL LEWIS  
JEREMY LEWIS  
ROBERT PERSINGER  
STEVE TOTTEN



CITY OF NITRO  
COUNCIL MEETING MINUTES

APRIL 6, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 pm. 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.

VERNON CASEBOLT GAVE THE INVOCATION.

COUNCILMAN DAVID MILLER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 3-16-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER MOVED THAT THE MARCH 16, 2004 COUNCIL MEETING MINUTES BE APPROVED. SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – SMITH STREET LANDFILL REPORT: David Hight gave an update on the progress of the Smith Street Landfill clean up.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTION: Mayor Casto introduced Sarah Lett, Pool Manager. Sarah presented a financial report on the 2003 season for the pool.

COPY ATTACHED

AGENDA ITEM NO. 4 – CITIZENS OF THE MONTH: Mayor Casto presented to Vernon Casebolt, Susan Davis, and Linda Holleron from the Nitro Church of Christ the Citizen of the Month Award. Their church has a free luncheon and gives out clothing to the needy in the community each month.

A concerned citizen from 1<sup>st</sup> Avenue reported that there is a problem with her neighbor's dogs. They are not being taken care of properly and she wanted to know what the City could do to take care of this problem. Mayor Casto stated that there is a new dog ordinance that will be discussed later in the meeting and advised her to contact the Humane Officer.

AGENDA ITEM NO. 5 – CANDIDATE PLACEMENT ON BALLOT: City Recorder Joan McClanahan introduced Ballot Commissioners Beth Stahl and Fred Bowen. She asked the City Attorney April Robertson to draw for candidate placement on the ballots. The placement for the position of Mayor will be Tim Sizemore, Gary H. Blankenship, and Rusty Casto. Joan McClanahan is the only candidate filing for City

Recorder. The placement for the position of Council at Large will be Gertrude "Gertie" Estep, Bill Clark, Brenda Tyler, and Richard Savilla. Joe Savilla is unopposed running for Councilman of Ward 1. The placement for the position of Councilman of Ward 2 are Bill Racer and David R. Miller. The placement for the position of Councilman of Ward 3 are Bobby Lee Smith, R. Timothy Harrison, and Ralph E. McKinney, Jr. The placement for the position of Councilman of Ward 4 are Mark Goodall and Harry K. Miller III. These will be sent to the printers. Applications for absentee voting are being accepted, and there will be Public Notices for open voting. The deadline to registered to vote in the City Election is May 12, 2004.

AGENDA ITEM NO. 6 – POLL WORKERS: City Recorder Joan McClanahan presented the list of City Poll Workers and alternates. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO APPROVE THE LIST OF CITY POLL WORKERS AND ALTERNATES, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COPY ATTACHED.

AGENDA ITEM NO. 7 – PLANNING COMMISSION MINUTES: City Recorder Joan McClanahan gave each Council Member a copy of the most recent Planning Commission Meeting minutes. City Attorney April Robertson noted that some of the information is missing from the minutes. COUNCILMAN HARRY MILLER MADE A MOTION NOT TO APPROVE THE PLANNING COMMISSION MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 8 – ANTIQUE FAIR DAY REQUEST: City Recorder Joan McClanahan requested permission to close off 2<sup>nd</sup> Avenue between 21<sup>st</sup> Street and 20<sup>th</sup> Street for the Antique Fair Day on May 22, 2004. She has already spoken with Police Chief Jack Jordan concerning this. Permission was granted.

Mayor Rusty Casto read a letter from the Governor which states that the paving of 21<sup>st</sup> Street between First and Third Avenues will be completed before May 22, 2004. COUNCILMAN DAVID MILLER MADE A MOTION THAT THE LETTER BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

COPY ATTACHED

Councilwoman at Large Brenda Tyler introduced Jennifer Boggess, President of the Nitro Women's Club, Karen Bowles, and Wanda Smith. Councilwoman Tyler read a proclamation from the Nitro Women's Club. Mayor Casto signed the proclamation.

Karen Bowles informed Council that Councilwoman at Large Brenda Tyler was selected as a recipient of the Jefferson Award. She had been nominated by the Nitro Women's Club.



AGENDA ITEM NO. 9 – APPOINTMENT TO THE SANITARY BOARD: Mayor Casto reported that there is an open position on the Sanitary Board. He proposed that Rich Hively be appointed to this position effective immediately. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THAT RICH HIVELY BE APPOINTED TO THE SANITARY BOARD, SECONDED BY COUNCILMAN A.A. “JOE” SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 10 – PROCLAMATION – EMERGENCY MEDICAL SERVICES WEEK: Councilman David Miller read a proclamation declaring May 16 thru May 22, 2004 Emergency Medical Services Week. COUNCILMAN HARRY MILLER III MADE A MOTION THAT THE PROCLAMATION BE ACCEPTED AS READ, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

COPY ATTACHED.

AGENDA ITEM NO. 11 – APRIL ROBERTSON: City Attorney April Robertson presented a draft of an ordinance to Council regarding vicious or dangerous animals. COUNCILMAN A.A. “JOE” SAVILLA MOVED FOR THE APPROVAL OF THE FIRST READING BY TITLE ONLY OF AN ORDINANCE REGARDING VICIOUS OR DANGEROUS DOGS, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

City Attorney Robertson reported that she is working with Police Chief Jack Jordan on developing a permit application for massage establishments and massage technicians. City Recorder Joan McClanahan requested a copy of the application since licenses are issued from her office.

City Attorney Robertson requested that Council remain for a brief executive session following the Council Meeting.

AGENDA ITEM NO. 12 – RALPH ALLISON: Not present

AGENDA ITEM NO. 13 – MAYOR’S COMMENTS: Kathy Belcher reported on the status of the Fun To Be A Kid Day plans. She has received donations of items, but very little cash donations from local businesses.

Mayor Casto reported that a donation in the amount of \$120.00 was received from Mountaineer Garage for the City Playground Fund. Councilwoman at Large Brenda Tyler reported that a \$500.00 donation was received from Bayer Corp. for the Children’s Playground Fund.

Councilwoman at Large Brenda Tyler recognized Ivan Meadows, President of Nitro Little League. Mr. Meadows reported that this is Nitro Little League’s 50<sup>th</sup> Anniversary. He requested a parade to commemorate this event take place on June 12, 2004. Mr. Meadows presented all Council Members with a hat. COUNCILMAN DAVID MILLER MADE A MOTION TO GRANT PERMISSION TO HAVE THE



LITTLE LEAGUE PARADE ON JUNE 12, 2004, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

Councilwoman at Large Brenda Tyler presented to Council information concerning the adoption of Civil Service positions for City employees.

Captain Shawn Alderman presented awards for successful completion of the Job Skills Performance Test to Fire Fighters Chad Mathes and Ryan Pennington. They were given a round of applause.

COUNCILMAN HARRY MILLER III MOVED THE MEETING GO INTO EXECUTIVE SESSION AT 8:50 P.M. SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

MEETING BACK INTO REGULAR SESSION AT 9:10 P.M.

There being no further business the meeting was adjourned.

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

Nitro City Pool

### 2003 Profits & Losses

For <sup>2003</sup>~~2004~~ Swimming Season, the pool was open to the public 64 days.

Admission Gains:	\$25,504.00
Concession Gains:	\$25,228.48
Pass Gains:	\$4,415.00

**Total Gains: \$55,147.48.**

Phillips Supply:	\$4,426.16
Sam's Club:	\$3,091.92
Coke:	\$ ? (still researching)
National Pool:	\$ ? (still researching)

Estimated losses excluding payroll: \$12,518.08

- 
- Profit before payroll is approximately \$42629.40
- 

Pool brought in \$848.42 / day

---

### 2005 Projections

88 days open to the public @ \$848.42 + 3%

\$ 873.87 X 88 days = 76900.56

**Total projected gains for 2004: \$76,900.56**

## NITRO MUNICIPAL ELECTION (06/01/04)

## PRECINCTS 22-23

RESA 39<sup>TH</sup> STREET

R	CLERK	ETHEL HALL-4116 41 <sup>ST</sup> ST.	755-2691
D	CLERK	PATRICA SLACK-4038 40 <sup>TH</sup> ST.	755-0711
R	SUPPLY COMMISSIONER	ALICE SHAFFER—3509 35 <sup>TH</sup> ST.	755-9387
D	COMMISSIONER (ESCORT)	MONOKA J. BROGAN—121 BAILES DR	755-1487

## PRECINCT 349

## NITRO WOMANS CLUB

R	CLERK	KAREN RICHARDSON—302 COUNTRY OAKS DR.	759-0279
D	CLERK	FRED HILL—2134 21 <sup>ST</sup> ST.N	755-2400
D	SUPPLY COMMISSIONER	BETTY SHREWSBURY-1441 PARK AVE.	755-5433
R	COMMISSIONER (ESCORT)	EVELYN HOPPER—1324 W 13 <sup>TH</sup> ST.	755-2166

## PRECINCT 350

## NITRO WOMANS CLUB

R	CLERK	GRACE MILLER-2129 21 <sup>ST</sup> ST	755-2146
D	CLERK	SALLY MEADOWS-210 DUPONT AVE.	755-5206
R	SUPPLY COMMISSIONER	SHIRLEY COLLINS-909 DUPONT AVE.	755-7708
D	COMMISSIONER(ESCORT)	EVE FRAZIER-2333 23 <sup>RD</sup> ST.	755-9566

## PRECINCT 351

## NITRO ELEMENTRY SCHOOL

R	CLERK	MATILDA MYNES-2158 21 <sup>ST</sup> ST.	755-0329
D	CLERK	MARGARET COMER-1091/2 ROBIN RD.	755-2973
R	SUPPLY COMMISSIONER	CLYDE MYNES-2158 21 <sup>ST</sup> ST	755-0321
D	COMMISSIONER (ESCORT)	PATTY YOUNG-205 WALKER ST.	727-4233

## PRECINCT 352

## NITRO ELEMENTARY SCHOOL

R	CLERK	MIKE STEPHENS-1229 12 <sup>TH</sup> ST.	755-7901
D	CLERK	SANDRA DORSEY-1127 11 <sup>TH</sup> ST.	755-4913
D	SUPPLY COMMISSIONER	DONNA WILCOX-103 DUPONT AVE	755-5531
R	COMMISSIONER(ESCORT)	RUTH CARPENTER-1022 10 <sup>TH</sup> ST	755-2430

## PRECINCT 353

## UNITED STEEL WORKERS UNION 14614

R	CLERK	KIM RUBY-3114 31 <sup>ST</sup> ST.	755-1329
D	CLERK(ESCORT)	CONNIE L. SMITH-1420 14 <sup>TH</sup> ST.	755-1770
R	SUPPLY COMMISSIONER	NANCY MELLERT-708 KANAWHA AVE.S.	727-7585
D	COMMISSIONER	SHARON HILL—2143 21 <sup>ST</sup> ST.N	755-2400

## PRECINCT 354

## SHAWNEE COMMUNITY CENTER

D	CLERK	EARLENE PRIDDY-1 WASHINGTON AVE	755-5886
R	CLERK	SUE ELLEN ANDERSON-1366 VALENTINE C.	727-8462
D	SUPPLY COMMISSIONER	WANDA SMITH-203 WALKER ST	727-7801
R	COMMISSIONER (ESCORT)	BETTY G. COOK-223 JAMESTOWN RD	755-9771



ALTERNATES

(DEMOCRATS)

IVAN MEADOWS- ----210 DUPONT AVE	755-5206	
JACKIE NEWSOME-- 106 WASHINGTON AVE	755-0335	558-7258
GEORGE ATKINS-----304 KANAWHA AVE.	755-1375	
NORMA SHAMBLIN---1516 FENTON CIRCLE	727-5041	
LINDA COWLEY-----1327 13 <sup>TH</sup> STREET	755-4428	204-2372
BETTY LAYTON-----1518 15 <sup>TH</sup> STREET	755-2170	
DEBORAH PACK-----217 ROCKLEDGE DR.	776-8544	

(REPUBLICIANS)

AUDRA LEWIS-----3009 30 <sup>TH</sup> ST.	755-3939	
DOLORES MCGUCKEN---1816 18 <sup>TH</sup> ST.	755-3123	
THOMAS LEVANDOWSKI—1530 15 <sup>TH</sup> ST.	755-3399	

BALLOT COMMISIONERS

D	FRED BOWEN	231 BROOKHAVEN DRIVE	776-2370
R	BESS STAHL	208 BROADWAY AVE.	755-3443



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

BOB WISE  
GOVERNOR

March 30, 2004

The Honorable Rusty Casto  
Mayor of Nitro  
Post Office Box 308  
Nitro, West Virginia 25143

Dear Mayor Casto:

I am writing to follow up with you regarding our conversation several weeks ago. At your request, I have contacted the Division of Highways regarding the probability of having 21<sup>st</sup> Street in Nitro paved before the May 22 antique fair.

I am pleased to inform you that I have been assured that the work will be completed as soon as the paving season commences. As you had requested, the work repairing the section of 21<sup>st</sup> Street between 1<sup>st</sup> and 3<sup>rd</sup> Avenues should be completed before May 22.

If you have any questions, please contact Jerry Bird, Deputy Commissioner of the Division of Highways, at 558-2650. As always, if I can be of any further assistance to you, please feel free to call.

Very truly yours,

A handwritten signature in black ink that reads "Bob Wise".

Bob Wise  
Governor

BW/daf

cc: Jerry Bird

## PROCLAMATION

To Designate the Week of May 16th – 22<sup>nd</sup>, 2004, as Emergency Medical Services Week.

Whereas, emergency medical services is a vital public service; and

Whereas, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, emergency medical services providers have traditionally served as the safety net of America's health care system; and

Whereas, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and other; and

Whereas, approximately two-thirds of all emergency medical services providers are volunteers; and

Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

Whereas, injury prevention and the appropriate use of the EMS System will help reduce national health care costs; and

Now therefore, I, the Honorable Rusty Casto, Mayor of Nitro, in recognition of this event, do hereby proclaim the week of May 16<sup>th</sup> – May 22<sup>nd</sup>, 2004, as

EMERGENCY MEDICAL SERVICES WEEK

And encourage the community to observe this week with appropriate programs, ceremonies and activities.

\_\_\_\_\_  
Date

(Place seal here)

\_\_\_\_\_  
Signed By

\_\_\_\_\_  
Attested By



CITY OF NITRO  
COUNCIL MEETING MINUTES

APRIL 20, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 pm. 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.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION.

COUNCILWOMAN AT LARGE BRENDA TYLER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 04-06-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THAT THE APRIL 6, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE TIMOTHY SIZEMORE AND WAS CARRIED.

AGENDA ITEM NO. 2 – SMITH STREET LANDFILL REPORT: Chris Amick from Kemron gave an update on the progress of the Smith Street Landfill clean up. A presentation on Risk Assessment was also given. A question and answer session followed. Pam Nixon, an Environmental Advocate with the West Virginia Department of Environmental Protection, addressed Council. She left her phone number and Email address should anyone want to contact her with concerns.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTIONS: Bill Mullins addressed Council. He is a candidate for Sheriff of Putnam County.

Jack Pauley addressed Council. He is a candidate for Sheriff of Kanawha County.

Julie Yeager Lucas addressed Council. She is a candidate for Kanawha County Magistrate.

Bill Clark addressed Council. He is a candidate for Council at Large.

Gertie Estep addressed Council. She is a candidate for Council at Large.

Mark Goodall addressed Council. He is a candidate for Councilman of Ward IV.

Ralph McKinney addressed Council. He is a candidate for Councilman of Ward III.

AGENDA ITEM NO. 4 – HEATER FOR POOL: Councilwoman at Large Brenda Tyler reported that they have had enough contributions come in to order a heater for the pool. It should be in within two to three weeks and will be ready before the pool opens in May. Mayor Casto stated that the heater will allow for Senior Citizen aerobics in the morning and therapy for persons having heart surgery and strokes.

AGENDA ITEM NO. 5 – APRIL ROBERTSON: City Attorney April Robertson reported on the progress of an ordinance concerning vicious dogs. She did not feel it was prudent for the City to regulate against certain breeds of dogs. She felt that the Ordinance presented at last Council Meeting may not be appropriate. There are existing Nuisance Ordinances which deal with the keeping of animals and their sanitation. The existing Code does not however give much definition to what is considered a vicious animal. This should be added to the Code as well as guidelines on restraining vicious animals. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION FOR A SECOND READING BY TITLE ONLY OF THE VICIOUS DOG ORDINANCE, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Ordinance read by title only, "An ordinance amending the animal control ordinances of the City of Nitro, West Virginia, regarding vicious or dangerous animals including guard or attack dogs". COUNCILMAN "JOE" SAVILLA MADE A MOTION TO ACCEPT THE VICIOUS DOG ORDINANCE UPON SECOND READING, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

ORD. 04-03 ATTACHED.

Councilman at Large Timothy Sizemore requested that wording be added to the ordinance that would require the enclosure to be anchored to the ground.

Attorney Robertson reported that she has spoken with the Highways Department and they assured her they would have the "Antique District" sign installed on the Interstate before the Antique Fair on May 22, 2004.

Mayor Casto asked City Attorney April Robertson if she had reviewed the letter from city resident Gary Botkins. Attorney Robertson stated that she had reviewed the letter and discussed it with Bryan Casto, Building Inspector. She felt the situation fell under Code Enforcement. If there is an existing Code or Ordinance in effect that would apply to this situation then it could be enforced by the Building Department. If there is not an existing Code or Ordinance then it will be a civil matter between neighbors. Police Chief Jack Jordan was not aware of any law that prohibits the parking of diesel trucks on West 11<sup>th</sup> Street. Mr. Botkins addressed Council concerning his complaints regarding the diesel trucks parked near his property. City Attorney April Robertson recommended that Council refer this situation to the Planning Commission for review. Mayor Casto informed Mr. Botkins that he would ask the truck owner to park the trucks at the City Park parking lot. If there is diesel fuel draining into the sewer lines as Mr. Botkins reported then the City can take action on that.  
COPY OF LETTER ATTACHED.



AGENDA ITEM NO. 6 – RALPH ALLISON: City Attorney Ralph Allison reported that the budget was approved by the State Tax Department. They are to meet on the third Tuesday in April to Lay the Levy. This will approve the property tax rates and the amount of money that was in the budget for year ending June 30, 2005. There is no increase in the property tax rates. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION TO LAY THE LEVY AND APPROVE THE PROPERTY TAX RATES, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

COPY ATTACHED.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Clinton Curry from WV Truck and Trailer questioned Council about the progress in getting funds from Putnam and Kanawha counties to pave the road going into the Fike Artel site. Mayor Casto reported that he was to meet with a gentleman about it today, but he did not show up.

Kathy Belcher gave an update report on the Fun to Be a Kid Day. They have received donations in the amount of \$95.00 thus far as well as some items. There are only 47 more days till it is to take place so they are sending out letters requesting additional donations.

Councilman Bobby Smith asked if there was an Ordinance regarding the time frame of setting garbage out for collection. He is concerned because in some areas it is set out every day and is an eyesore. Problems in this area are to be directed to A.J. Hill, Director of Public Works.

Councilman David Miller read a letter from the Nitro Regional Waste Water Utility. COUNCILMAN DAVID MILLER MADE A MOTION THAT THE LETTER FROM THE NITRO REGIONAL WASTE WATER UTILITY BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED.

COPY OF LETTER ATTACHED.

Councilman David Miller read a letter from the Mayor. COUNCILMAN DAVID MILLER MADE A MOTION THAT THE LETTER FROM THE MAYOR BE MADE A PART OF THE MINUTES, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA AND WAS CARRIED.

COPY ATTACHED.

Councilman at Large Richard Savilla reported that Ash Street has a speed limit of 25 mph. He has received complaints from parents because the surrounding streets have speed limits of 15 mph. He would like the speed limit changed to 15 mph on Ash Street.



Councilwoman at Large Brenda Tyler inquired on the progress of replacing the door at Public Works. She requested they go into Executive Session. COUNCILMAN AT LARGE RICHARD SAVILLA MADE A MOTION THEY GO INTO EXECUTIVE SESSION, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.

Council went into Executive Session at 8:55 pm.

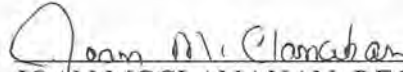
Council returned from Executive Session at 9:10 pm.

There being no further business Mayor Rusty Casto adjourned the meeting.



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RUSTY CASTO, MAYOR



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JOAN MCCLANAHAN, RECORDER

**ORDINANCE NO. 04-03****AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, REGARDING VICIOUS OR DANGEROUS ANIMALS INCLUDING GUARD OR ATTACK DOGS.**

WHEREAS, the primary purpose of animal control ordinances is the protection of the public from injury or damage; and

WHEREAS, dogs, because of their propensities are, and from time immemorial have been, peculiarly subject to rigorous police regulation; and

WHEREAS, because of the unique public health hazards created by the presence of vicious or dangerous animals and guard or attack dogs as distinguished from other dogs, the City of Nitro is compelled to enact this restrictive ordinance specifically aimed at such animals.

THEREFORE, Section 505.005 is hereby amended by the addition of the following definitions:

**505.005 DEFINITIONS.**

“Animal” means any live creature, both domestic and wild, except humans. “Animal” includes fowl, fish and reptiles.

“Domestic animal” includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

“Guard or attack dog” means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

“Owner” means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Ordinance. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

“Muzzle” means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

“Vicious or dangerous animal” means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of a natural disposition, temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be *prima facie* presumed vicious or dangerous.

“Wild animal” means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term “wild animal” does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

FURTHER, Section 505.27 is repealed and replaced with the following two Sections:

**505.27 RESTRAINT OF GUARD DOGS.**

- (a) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them.
- (b) All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees nor more than ninety (90) degrees when measured from the perpendicular.
- (c) The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.
- (d) The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

**505.27(a) RESTRAINT OF VICIOUS OR DANGEROUS ANIMALS.**

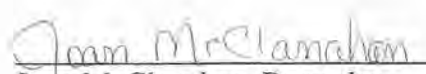
Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to such animal.

All other Sections of this Article remain intact.

Passed on first reading: 4/6/04

Adopted on second reading: 4/24/04

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

  
\_\_\_\_\_  
Joan McClanahan, Recorder



TAYLOR  
LAW FIRM, PLLC

120 CAPITOL STREET  
POST OFFICE BOX 2132  
CHARLESTON, WV 25328

(304) 345-5959 OFFICE  
(304) 345-0270 FACSIMILE  
(877) 408-1659 TOLL FREE  
WWW.TAYLORLAWFIRM.NET

April 13, 2004

April Robertson, Esq.  
City Attorney  
City of Nitro, West Virginia  
3707 Kanawha Avenue SE  
Charleston, WV 25304

Re: City of Nitro Zoning Ordinances

Ms. Robertson:

I was informed by the City of Nitro that you serve as its City Attorney. I am assisting Nitro residents Gary and Mary Botkins in their effort to make a complaint. The Botkins' neighbor allows her boyfriend to park diesel trucks on residential property.

In my experience, this would be a zoning violation in the City of Charleston, and I am speculating that it may also violate various ordinances in the City of Nitro.

I respectfully request that you, or the City of Nitro's zoning department, investigate this matter. The Botkins may be contacted at 755-2786.

Your cooperation in this matter will be appreciated.

Respectfully,

COPY

Shawn A. Taylor  
The Taylor Law Firm, PLLC

SAT

Cc: Gary and Mary Botkins

## LEVY ORDER AND RATE SHEET - FISCAL YEAR 2004 - 2005

## REGULAR CURRENT EXPENSE LEVY

Entity: NITROThe following is a true copy from the record of orders entered by this entity on the 16th day of March

April 2004.

(Signature):

Clerk of the County Commission/Secretary of the Board of Education/Municipal Clerk or Recorder

	Column E	
	Certificate of Valuation	Levy
	Assessed Value for Tax Purposes	Rate/\$100
		Taxes Levied
Class I		
Personal Property	\$ _____	\$ _____
Public Utility	_____	_____
Total Class I	\$ _____	\$ _____
Class II		
Real Estate	\$ <u>73,036,410</u>	\$ <u>17.24</u>
Personal Property	<u>197,040</u>	<u>340</u>
Total Class II	\$ <u>73,233,450</u>	\$ <u>126,255</u>
Class III		
Real Estate	\$ _____	\$ _____
Personal Property	_____	_____
Public Utility	_____	_____
Total Class III	\$ _____	\$ _____
Class IV		
Real Estate	\$ <u>80,021,290</u>	\$ <u>34.48</u>
Personal Property	<u>49,820,811</u>	<u>171,782</u>
Public Utility	<u>9,710,185</u>	<u>33,481</u>
Total Class IV	\$ <u>139,552,286</u>	\$ <u>481,176</u>
Total Value & Projected Revenue	\$ <u>212,785,736</u>	\$ <u>607,431</u>
*Less 112, 113, 239 (box lower left)	_____	<u>30,372</u>
Less 107 - Tax Discounts	_____	<u>5,771</u>
Less Allowance for Tax Increment Financing - see worksheet (Subtracted from regular current expense taxes levied only)	_____	_____
Total Projected Property Tax Collection	_____	<u>571,289</u>
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)	_____	<u>11,426</u>
Net Amount to be Raised by Levy of Property Taxes	_____	<u>559,863</u>
For Budget Purposes (Transfer amount to #301-01 on page 4)	_____	\$ _____
*112 Uncollectable Taxes	\$ <u>18,223</u>	
*113 Exonerations	\$ <u>3,037</u>	
*239 Delinquencies	\$ <u>9,112</u>	
	<u>30,372</u>	

# LEVY ORDER AND RATE SHEET - (Continued) FISCAL YEAR 2004-2005

## EXCESS, BOND, OR PERMANENT IMPROVEMENT LEVY

Entity: NITRO

The following is a true copy from the record of orders entered by this entity on the 16th day of March

April 2004.

(Signature):

Ann McGowan

Clerk of the County Commission/Secretary of the Board of Education/Municipal Clerk or Recorder

Please indicate type of Levy Authorized (Bond, Excess or Permanent Improvement)

Column E Certificate of Valuation Assessed Value for Tax Purposes	Levy		Levy	
	Levy Rate/\$100	Taxes Levied	Levy Rate/\$100	Taxes Levied
Class I				
Personal Property	\$ _____	\$ _____	\$ _____	\$ _____
Public Utility	_____	_____	_____	_____
Total Class I	\$ _____	\$ _____	\$ _____	\$ _____
Class II				
Real Estate	\$ 73,036,410	12.50 \$ 91,296	_____	\$ _____
Personal Property	197,040	246	_____	_____
Total Class II	\$ 73,233,450	\$ 91,542	_____	\$ _____
Class III				
Real Estate	\$ _____	\$ _____	_____	\$ _____
Personal Property	_____	_____	_____	_____
Public Utility	_____	_____	_____	_____
Total Class III	\$ _____	\$ _____	_____	\$ _____
Class IV				
Real Estate	\$ 80,021,290	25.00 \$ 200,054	_____	\$ _____
Personal Property	49,820,811	124,552	_____	_____
Public Utility	9,710,185	24,275	_____	_____
Total Class IV	\$ 139,552,286	\$ 348,881	_____	\$ _____
Total Value & Projected Revenue	\$ 212,785,736	440,423	_____	_____
*Less 112, 113, 239 (box lower left pg. 1)	*****	22,021	*****	_____
Less 107 - Tax Discounts	*****	4,184	*****	_____
Net Amount to be Raised by Levy For Budget Purposes:	*****	414,218	*****	_____



**Nitro Regional Wastewater Utility**

P.O. Box 607, Nitro, WV 25143  
Phone: (304) 755-3669 • Fax: (304) 755-1382  
*Chairman: Rusty Casto*  
*General Manager: Danny Lewis*

April 20, 2004

Mayor, Council, Recorder

Our Department and the Public Works Department recently had major digs to repair lines. Our repair was on Elm street and the Public Works repair was on Ash street. These two repairs were on lines that were twelve to fourteen feet deep. In the past we had to hire a contractor to repair lines this deep. The price on these repairs would run anywhere from five to fifteen thousand dollars each.

Thanks to the Departments communicating and working together, we repaired both of these lines for around two thousand dollars which saved several thousand dollars for both Departments. As you can see on the above cost, a repair of this kind is very hard on our budgets if we have to hire a contractor for the repairs.

I would like to thank the Public Works Director, Mr. Alex Hill, and the Police Chief, Mr. Jack Jordan, for working together with our Department to make these repairs.

Sincerely,

*Danny L. Lewis*  
Danny L. Lewis  
General Manager



JOAN McCLANAHAN  
RECORDER  
755-0707

*FROM THE DESK OF THE MAYOR:*

*To: Members of Council*

I just wanted to take this opportunity to thank all of the department heads for the great job they have done during the last four years. This includes A. J. Hill (Public Works Director); Chief Jack Jordan (Police Chief); Chief E. W. Hedrick, II (Fire Chief); and Danny Lewis (General Manager of the Sanitary Board). During the last four years these men have learned the importance of sharing limited resources in order to achieve their goals.

It's rewarding to see these men who are in charge of leading their departments come together to work for the good of the community, and leave their egos at home. They have adopted a "one for all, all for one" attitude when it comes to getting major jobs accomplished. They have established and maintain an effective means of communication and the spirit of cooperation and camaraderie is a mainstay in their day to day routine.

In an era where everyone is always looking out for themselves, it's rewarding to work with such outstanding individuals.

CITY OF NITRO  
COUNCIL MEETING MINUTES

MAY 4, 2004

Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 pm. 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.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

COUNCILMAN HARRY MILLER III LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 04-24-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THAT THE APRIL 24, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA. City Attorney April Robertson did not agree with Agenda Item number 5. She said she wasn't sure what she said but she didn't say sentence three, "She felt that the Ordinance presented at last Council Meeting may not be appropriate." COUNCILMAN HARRY MILLER III MOVED THAT THIS SENTENCE BE STRIKED FROM THE MINUTES UNDER AGENDA ITEM NUMBER 5, SECONDED BY COUNCILMAN AT LARGE RICHARD SAVILLA, AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Mayor Rusty Casto presented Jefferson Award winners Councilwoman At Large Brenda Tyler and Mrs. Cheryl Ord with the Citizens of the Month Award.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTION: Shawn Eddy introduced himself. He is running for the Kanawha County Board of Education.

AGENDA ITEM NO. 4 – DENNY VAUGHN: Mayor Casto reported that Mr. Vaughn would be present at the May 18, 2004 Council Meeting.

AGENDA ITEM NO. 5 – SMITH STREET LANDFILL REPORT: Chris Amick gave an update on the progress of the Smith Street Landfill clean-up.

AGENDA ITEM NO. 6 – ELECTION: City Recorder Joan McClanahan reported that the Municipal Election will be held June 1, 2004. Public testing of voting devices will be held at the Voter's Registration Office on May 25, 2004 at 10:00 am. A quorum is required. Early no excuse voting will start May 12 and will end May 29. This will include 2 Saturdays, May 22 and May 29. It will be held during regular business hours from 8:00 am till 4:00 pm and closed from 12:00 to 1:00 for lunch. A number of write-in



candidates have filed. Fred Hill has filed for Recorder, Mr. John "Bobby" Gillespie has filed for Council at Large, and Susan "Dixie" Davis has filed for Ward 1. Mrs. McClanahan reported that there is no campaigning allowed in City Hall during early voting.

Agenda Item No. 7 – FIRE HYDRANT: Councilman A.A. "Joe" Savilla reported that they have been able to get enough money to install 1 fire hydrant at Carriage Way. Captain Ronnie King reported the hydrant would be placed on the end of Carriage Way Road and Alexandria Road. Councilman A.A. "Joe" Savilla reported that the hydrants cost approximately \$3,000.00.

Agenda Item No. 8 – PLANNING COMMISSION MINUTES: City Recorder Joan McClanahan reported that the minutes from the Planning Commission have been resubmitted with the completed form as requested by the City Attorney April Robertson.. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT THE PLANNING COMMISSION MINUTES BE APPROVED, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

MINUTES ATTACHED.

AGENDA ITEM NO. 9 – APRIL ROBERTSON: Nothing to report.

AGENDA ITEM NO. 10 – RALPH ALLISON: City Treasurer Ralph Allison reported that on May 18, 2004 Denny Vaughn will present a financing plan on the recreation project. Thursday May 13, 2004 Mr. Allison and the Mayor will be attending a meeting on Homeland Security.

AGENDA ITEM NO. 11 – MAYOR'S COMMENTS: There will be a ramp dinner Saturday May 15 from 11:00 till 2:00 at Nitro Elementary. A donation of \$6.00 is suggested.

Councilman at Large Timothy Sizemore asked City Treasurer Ralph Allison which Department's Budget will pay the \$3,000.00 for the Carriage Way fire hydrant. Mr. Allison stated it would come from Public Work's Capital Outlay account.

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 PLANNING COMMISSION MEETING MINUTES  
MARCH 18, 2004

THIS PUBLIC MEETING , PROPERLY ADVERTISED, WAS HELD IN ROOM 110 OF THE NITRO COMMUNITY CENTER.

PRESENT WERE: MARGARET HUDSON, CHAIRPERSON, MEMBERS JOHN MONTGOMERY, LONNIE BLAYLOCK, DR. CHARLES BYRD AND JOAN MCCLANAHAN.

ATTACHED IS A LIST OF CITIZENS ATTENDING THE MEETING.

THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON HUDSON. SHE INFORMED THERE WERE FOUR REQUESTS TO BE CONSIDERED.

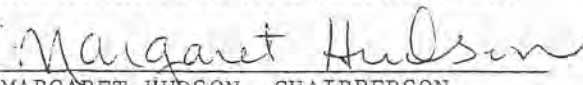
THE FIRST WAS FROM LARRY CASDORPH REQUESTING THE ABANDONMENT OF A PARCEL OF LAND LOCATED DIRECTLY BEHIND HIS PROPERTY AT 102 KANAWHA AVE. THIS SECTION OF (FORMER) KANAWHA AVE IS NOW  $\frac{1}{2}$  TO  $\frac{2}{3}$  COVERED BY WATER OF THE KANAWHA RIVER. AFTER DISCUSSION, AND HEARING NO OPPOSITION, MOTION WAS MADE BY JOHN MONTGOMERY, SECONDED BY JOAN MCCLANAHAN TO APPROVE THE REQUEST. A VOTE WAS TAKEN AND THE MOTION CARRIED WITH DR. CHARLES BYRD VOTING NO.

THE SECOND WAS FROM KEITH DIEHL REQUESTING THAT THE ALLEYWAY THAT BISECTS HIS PROPERTY AT 614 DUPONT AVENUE AND 614 1/2 DUPONT AVENUE BE ABANDONED. IT WAS DETERMINED THAT THE ALLEYWAY WAS NOT ACCESSIBLE TO ANY VEHICULAR TRAFFIC. MOTION MADE BY JOHN MONTGOMERY TO APPROVE THE REQUEST WITH A SECOND BY LONNIE BLAYLOCK. MOTION UNANIMOUSLY APPROVED.

THE THIRD PETITION WAS FROM PETE SURRETT OF 105 NORWOOD DRIVE TO ABANDON A PARCEL OF PROPERTY ADJOINING HIS, WITH THE EXPLANATION THAT IT WAS BELIEVED TO BE INCLUDED IN HIS PURCHASE. THE PARCEL IN QUESTION IS ACTUALLY ON A UTILITY RIGHT-OF-WAY. MOTION WAS MADE BY LONNIE BLAYLOCK, SECONDED BY JOAN MCCLANAHAN, TO DENY THE REQUEST. A VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

THE FOURTH WAS FROM MARK SANDERS REQUESTING AN ABANDONMENT OF THE PORTION OF MICHIGAN AVENUE ABUTTING HIS PROPERTY IN THE 100 BLOCK. MR SANDERS APPEARED BEFORE THE COMMISSION ASKING THAT HIS REQUEST BE WITHDRAWN.

THERE BEING NO FURTHER BUSINESS MEETING WAS ADJOURNED.

  
MARGARET HUDSON, CHAIRPERSON

Nitro Planning Commission Public Hearing  
March 18, 2004 - 7pm 3113

RALPH E. McKnight, Jr

MARK E. Sanders SR

Lyle E. Bow (Clerk)

Larry Casler Jr

John H. Cox

Matthew Hubbard

Nathaniel Harris

Sylvia W. Hines

Lawrence H. Hines

Robert H. Hines

Frank Hines

Linda Canterbury

Walter Canterbury



Approved

PETITION SEEKING TO PERMANENTLY CLOSE,  
ABANDON, AND DISCONTINUE A PUBLIC STREET,  
ALLEY, LANE, ROAD, OR OTHER PUBLIC RIGHT-OF-WAY  
IN THE CITY OF NITRO, WEST VIRGINIA

This form must be filled out in its entirety and submitted to the City Recorder, along with a non-refundable filing fee of one hundred dollars (\$100.00). Incomplete forms, or forms submitted without the map or filing fee, will not be accepted. If more space is needed, attach separate sheets and label them with the appropriate item number.

1. Please state the reason(s) the property is needed. For example, for purposes of construction, improvements, or other necessity.

I would like to make Improvements on the rear side of my property. Also last year our neighbor John Burgess requested to abandon right of way and now there is no access to this prop

2. Please state why the reason(s) stated above cannot be accomplished by any other means, and why closing, abandoning, or otherwise discontinuing the property as a public right-of-way is justified.

This right of way abuts my property and by having it abandoned is the only way to improve my property.

3. Please state whether the subject street, alley, lane, road, or other public right-of-way is a part of the current traffic pattern.

NO

4. List all of the persons owning property abutting such street, alley, lane, road, or other public right-of-way and their addresses. Attach a separate sheet, if necessary, and label it No. 4.

Name	Address
John Burgess	100 RIVER AVE, Nitro
Cecil Burns	RIVER AVE, Nitro

Tarry Caslorph 744-6435  
102 River Ave 25143

5. List all persons owning property within the same block as the abutting property and their addresses.

Name	Address
John Burgess	100 River Ave
Ellie Burns	104 River Ave
Lytle Anderson	106 River Ave

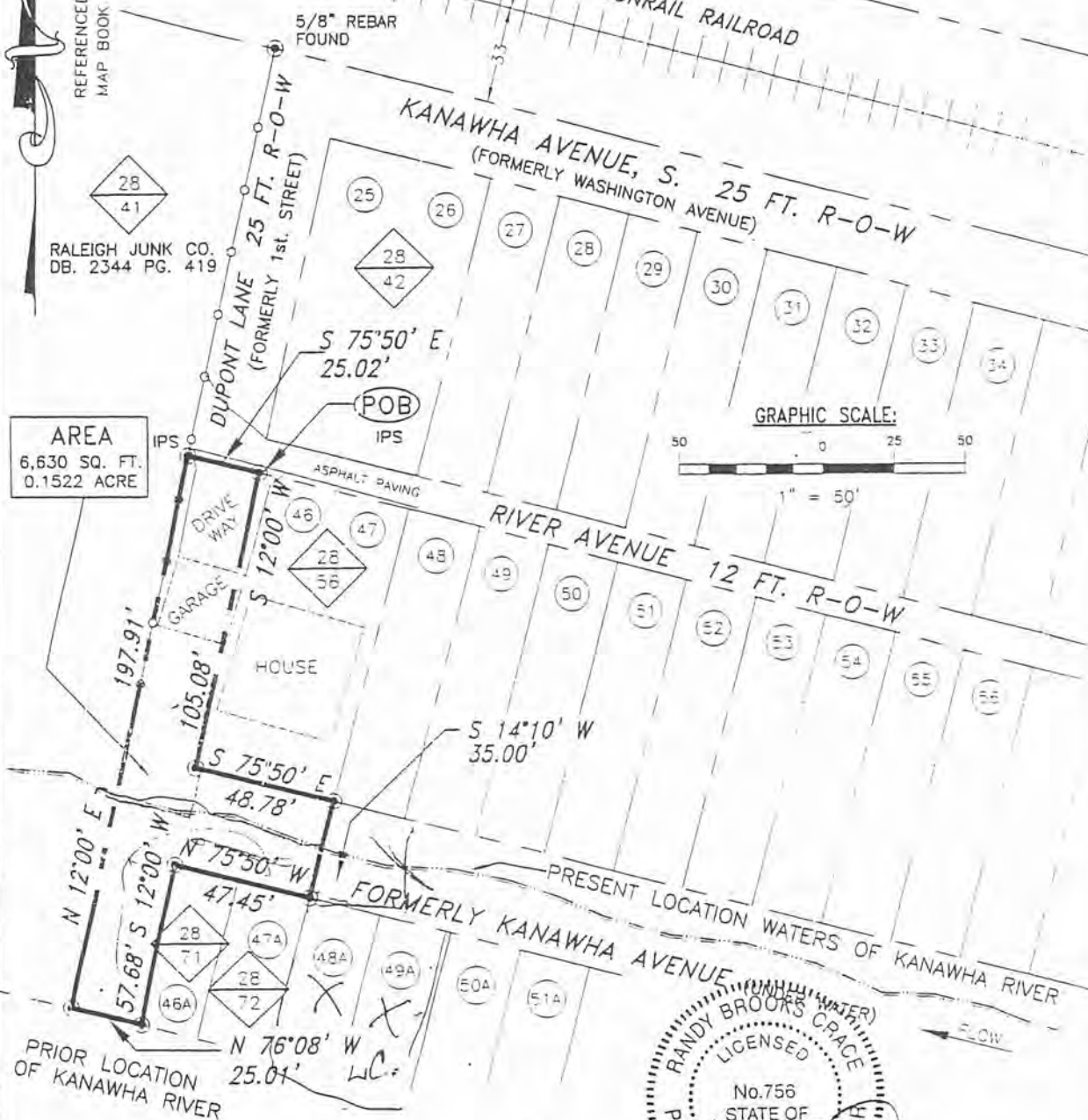
6. Attach an accurately scaled map of the subject street, alley, lane, road, or other public right-of-way, including any encroachments on the right-of-way. Indicate the location of each abutting property owner.

If you have any questions in filling out this form, please call the Building Inspector's office at 755-0703.



REFERENCED TO RECORD IN  
MAP BOOK 5 PAGE 70

PROPERTY CORNER IPS 1/2" REBAR SET  
LOT NUMBER CHAINLINK FENCE  
TAX PARCEL NO.



#### REFERENCES

TM 28 PARCEL 56 - JOHN BURGESS DB. 1963 PG. 777  
TM 28 PARCEL 71 - JOHN BURGESS DB. 1963 PG. 777  
TM 28 PARCEL 72 - JOHN BURGESS DB. 1963 PG. 777  
TM 28 PARCEL 42 - KENNETH McGOWAN DB. 2116 PG. 736

MAP SHOWING SOUTHERLY PART OF DUPONT LANE & WESTERLY PART OF FORMER KANAWHA AVENUE TO BE ABANDONED TO JOHN BURGESS

FORMERLY KNOWN AS 1st. STREET ON THE REVISED MAP OF DUPONT PLACE, MAP BOOK 5 PAGE 70  
SITUATE ON THE WATERS OF THE KANAWHA RIVER, IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA

PREPARED FOR THE JOHN BURGESS

CHECKED BY:

RBC

S. S. ENGINEERS, INC.

SHEET 1 OF 1



Approved

EARL 'KEITH' DIEHL

207

614 DUPONT AND 614 1/2 DUPONT AVE

NITRO WV

## PETITION TO CLOSE A PUBLIC STREET

Applicants seeking to permanently close, abandon, and discontinue a public street, alley, lane, road, or other public right-of-way within the City of Nitro, are required to provide all of the information on this petition. Completed petitions are to be submitted to the City Recorder, along with a non-refundable filing fee of one hundred dollars (\$100.00). Incomplete petitions, or petitions submitted without the map or filing fee, will not be accepted. If more space is needed, attach separate sheets and label them with the appropriate item number. This form need not be used as long as all of the required information is provided in a legible manner. Upon receipt of a complete petition and the requisite filing fee, the City Council shall follow the procedures duly adopted and enacted by Resolution 00-09 (Nov. 7, 2000), and as amended by Resolution 01-\_\_\_ (June 26, 2001).

1. Please state the reason(s) the property is needed. For example, for purposes of construction, improvements, or other necessity.

THIS ALLEY WAY BYSECTS MY PROPERTY AND I WOULD LIKE TO MAKE IMPROVEMENTS ON THE PORTION ON THE RIVER SIDE OF MY PROPERTY

2. Please state why the reason(s) stated above cannot be accomplished by any other means, and why closing, abandoning, or otherwise discontinuing the property as a public right-of-way is justified.

THERE HAVE NEVER BEEN ANY IMPROVEMENT TO THE ALLEY AND IT HAS BEEN USED AS A BUFFER BETWEEN THE IMPROVED PORTION OF MY LOT AND THE BACK-WATER.

3. Please state whether the subject street, alley, lane, road, or other public right-of-way is a part of the current traffic pattern.

ABSOLUTE NOT - THERE HAS BEEN A BUILDING THERE FOR OVER 55 YEARS ON THE ALLEY WAY, 2 DOORS DOWN FROM MY PROPERTY AT 614 DUPONT AVE.

4. List all of the persons owning property abutting such street, alley, lane, road, or other public right-of-way and their addresses. Attach a separate sheet, if necessary, and label it No. 4.

Name

Address

RALPH MCKINNEY - 612 DUPONT AVE. NITRO, WV



5. List all persons owning property within the same block as the abutting property and their addresses.

Name

Address

RA/PH McCLINNEY	612 DUPONT AVE. N.W.

6. Attach an accurately scaled map of the subject street, alley, lane, road, or other public right-of-way, including any encroachments on the right-of-way. Indicate the location of each abutting property owner.

If you have any questions in filling out this form, please call the City Building Inspector's office at 755-0703.





KEITH DREH  
755-2344





REQUEST FOR ACTION BY THE  
PLANNING COMMISSION OF THE CITY OF NITRO

Name of Person Making Request: Pete Secret

Address of Person Making Request: 105 Acruet Drive  
Nitro WV 25143

Telephone Numbers of Person Making Request: (H) 776-4124 or call Thomas  
Haignes

REQUEST INFORMATION—this must state the actual request and include the reasons justifying the request. Maps, photographs or other materials which would be helpful in describing the property, its surrounding area, and the nature of the intended use of said property and renderings of proposed buildings are desirable items to present. In addition, the Planning Commission or the City Council may request additional information needed to properly evaluate a request.

Statement of Request:

part of land in question was supposed to go  
with house when built. The city is not  
planning or putting a street there. Because  
it was not a good place in the main road,  
not a central place on the lot and it will  
between Rhodes and Secret.

Supporting Documents Attached:

1. Two graphs that show drawing
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Date of Request: 10-6-2003 Signature of Requestor: Pete Secret

The fee of \$ 25.00 (payable to The City of Nitro) to cover the cost of the legal ad is attached.

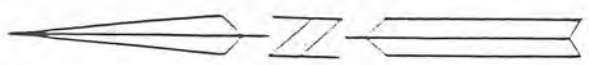
When the meeting date for the public hearing is established, you will be notified so that you can attend and present your request as well as answer questions.

Your fee and this form is to be returned to Frank C. Tate at City Hall.









# NITRO

Map No. 21

Photo No.: 27-245,244      Scale: 1" = 100'

Date, Photography: April, May, 1964      Date, Map: 4-1-66

# HA COUNTY

ce of Assessor

ON, WEST VIRGINIA

-W. Thelraw N

## PETITION TO CLOSE A PUBLIC STREET

Applicants seeking to permanently close, abandon, and discontinue a public street, alley, lane, road, or other public right-of-way within the City of Nitro, are required to provide all of the information on this petition. Completed petitions are to be submitted to the City Recorder, along with a non-refundable filing fee of one hundred dollars (\$100.00). Incomplete petitions, or petitions submitted without the map or filing fee, will not be accepted. If more space is needed, attach separate sheets and label them with the appropriate item number. This form need not be used as long as all of the required information is provided in a legible manner. Upon receipt of a complete petition and the requisite filing fee, the City Council shall follow the procedures duly adopted and enacted by Resolution 00-09 (Nov. 7, 2000), and as amended by Resolution 01- (June 26, 2001).

1. Please state the reason(s) the property is needed. For example, for purposes of construction, improvements, or other necessary.

Construction of  
10 New Townhouses

2. Please state why the reason(s) stated above cannot be accomplished by any other means, and why closing, abandoning, or otherwise discontinuing the property as a public right-of-way is justified.

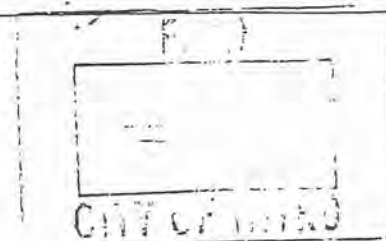
This property is needed to insure better  
access to the rear of the townhouses and for  
improvement of the area.

3. Please state whether the subject street, alley, lane, road, or other public right-of-way is a part of the current traffic pattern.

Dead End St.

4. List all of the persons owning property abutting such street, alley, lane, road, or other public right-of-way and their addresses. Attach a separate sheet, if necessary, and label it No. 4.

Name Address  
Victor Canterbury 115 Michigan Ave



5. List all persons owning property within the same block as the abutting property and their addresses.

Name

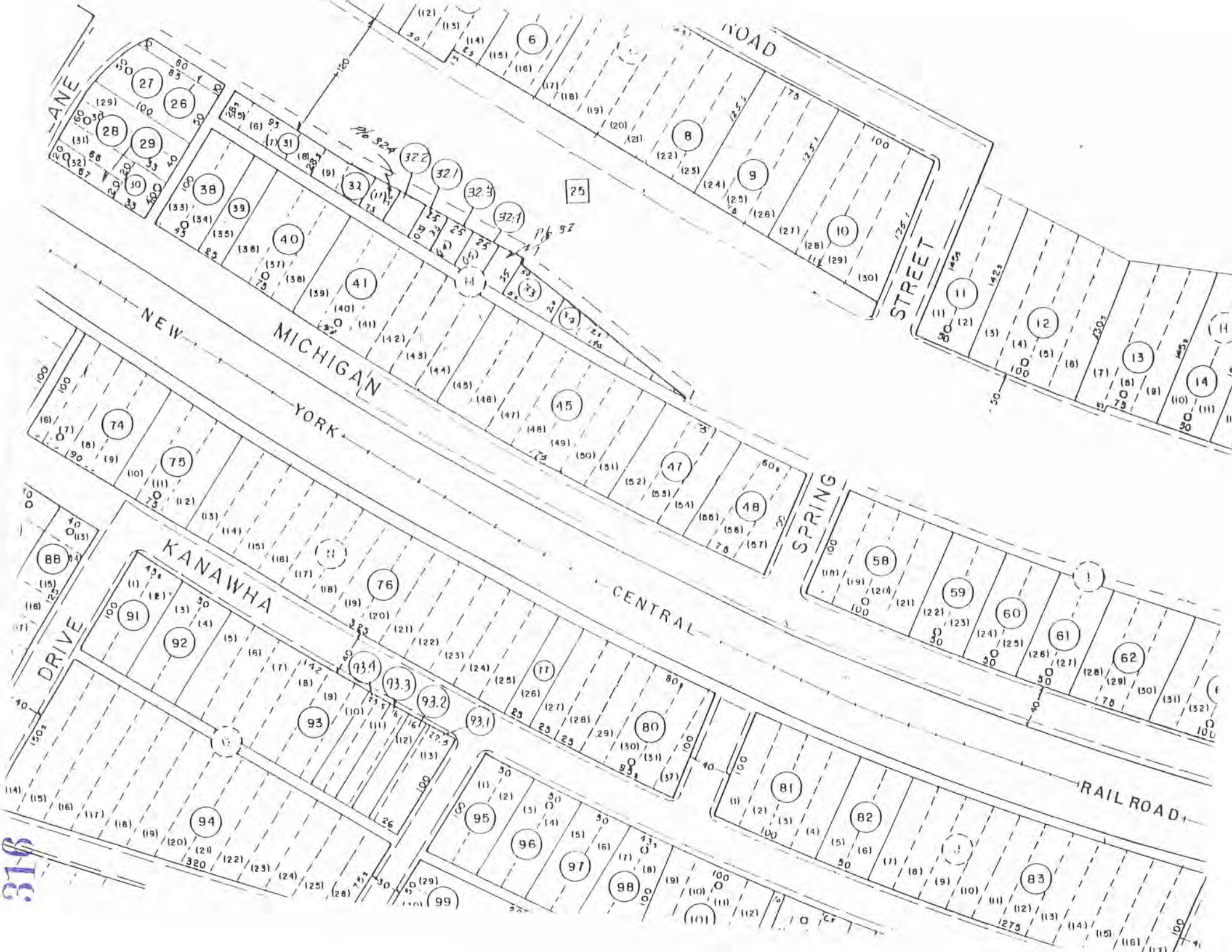
Address

only two houses on street

6. Attach an accurately scaled map of the subject street, alley, lane, road, or other public right-of-way, including any encroachments on the right-of-way. Indicate the location of each abutting property owner.

If you have any questions in filling out this form, please call the City Building Inspector's office at 755-0703.





16"

16"

Back of lobby

16"



CITY OF NITRO  
COUNCIL MEETING MINUTES

MAY 18, 2004

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 and Harry Miller, III. Also present was City Attorney April Robertson. Absent were Councilman Bobby Smith and Treasurer Ralph Allison.

COUNCILMAN A. A. "JOE" SAVILLA GAVE THE INVOCATION.

COUNCILMAN AT LARGE TIMOTHY SIZEMORE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1- APPROVAL OF MAY 4, 2004 COUNCIL MEETING MINUTES: - COUNCILMAN HARRY MILLER, III MOVED THE MINUTES OF MAY 4, 2004 BE APPROVED, SECONDED BY COUNCILMAN AT LARGE RICH SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTION: - Mayor Casto yielded the floor to Kathy Belcher. Mrs. Belcher said this was the last meeting before Kid's Day on June 6, and requested the pool be free that day. Also, since there is a race at the BMX track that day, she requested the firemen take down one side of the gate so that the people from the BMX Track cannot come onto City Park where the activities for Kid's Day are taking place. She asked that extra garbage cans be placed around this vicinity. She informed that Dana Casto has a Bobcat that the kids seem to enjoy and wanted to have a small area, bring dirt and let the kids ride and asked for approval. She showed Council drawings for tee shirts that the kids did and said they needed to have one chosen tonight in order to get them ordered. A savings bond would be awarded to the child whose design they chose. They have over 300 children registered to attend, and she was concerned about having enough food for them for lunch. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE SWIMMING POOL BE MADE FREE OF CHARGE THAT DAY, SECONDED BY COUNCILMAN HARRY MILLER, III. The attendance must be monitored this day. COUNCILMAN HARRY MILLER MOVED THE MAYOR BE EMPOWERED TO CHOOSE THE TEE SHIRT DESIGN, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA.

Councilman David Miller introduced Jim Riffle and Casey Mathes. They presented the Mayor a 33 foot Hazmat trailer along with a Ford 550 rescue truck purchased by the Firemen's Association. Mr. Riffle said this is one way they are thanking City Council for their support. A round of applause was given the Firemen's Association.



AGENDA ITEM NO. 4 – SMITH STREET LANDFILL REPORT: - Mr. Chris Amick yielded the floor to Mike Hayes from Shaw Environmental and he advised that not much has changed since the last meeting. The off-site removal was completed at that time. They are now beginning to grade the site and putting the cap on the landfill. At this time, weather has slowed them down a lot with all the rain. It will probably take 20 more work days to complete the project. A question and answer session followed.

AGENDA ITEM NO. 5 – ELECTION: - Mayor Casto yielded the floor to the City Recorder Joan McClanahan. City Recorder Joan McClanahan reminded everyone that early voting is still in progress. It will continue until May 29, 2004 at 4:00 p.m. This includes two Saturdays, May 22, and May 29, 2004 from 8:00 a.m. until 4:00 p.m. closed from 12 to 1:00 p.m. for lunch.

As the Municipal Election is June 1, 2004, CITY RECORDER JOAN MCCLANAHAN MOVED THE COUNCIL MEETING BE CHANGED FROM JUNE 1, TO JUNE 8, 2004. Councilman A. A. "Joe" Savilla said he wouldn't be able to be here June 8. CITY RECORDER JOAN MCCLANAHAN AMENDED HER MOTION TO WEDNESDAY, JUNE 2, 2004, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. City Recorder Joan McClanahan said the scheduled date to canvass the election is June 7, 2004 at 10:00 a.m. at the Voters' Registration Office.

City Recorder Joan McClanahan reminded everyone of the Antique Fair Day this Saturday, May 22. They have entertainment scheduled, vendors, live DJs, food booths, and crafts. She wanted to publicly thank Peoples Federal Savings & Loan Association for the huge donation they made and Line-X Co. for the donation made by them. They paid for all the advertising that has been shown on Channel 13. Without them we couldn't have done this. She expressed a tremendous thank you to both of these companies. They have been very supportive.

Officer Savilla informed there was a 5-K run in the City and 5-K walk the day of the Antique Fair Day. Also, there are two weddings that will be going on at the same time on 2<sup>nd</sup> Avenue. One church is expecting 300 guests and the other church is expecting 250 in attendance. The groom of one wedding and the parents of the bride in the other asked if it would be possible to block off the Second Avenue section between 22<sup>nd</sup> and 23rd Streets to alleviate their parking problems for that day. City Recorder Joan McClanahan advised we will have a KRT Trolley running that day every 20 minutes and she spoke with someone from the Catholic and Baptist Churches and told them they were welcome to use our trolley if they wanted to park at the library. Officer Joe Savilla said the Church of God also invited them to use their parking lot and his son was going to drive a shuttle van back and forth to the church. COUNCILMAN HARRY MILLER MOVED PERMISSION BE GRANTED TO BLOCK OFF THE STREET AS REQUESTED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

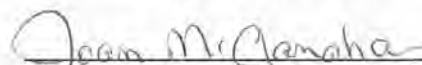
AGENDA ITEM NO. 7 – APRIL ROBERTSON:- Mayor Casto yielded the floor to our City Attorney April Robertson. She said she wanted to draw Councils' attention to a recent decision from our State Supreme Court where the Town of Lewisburg in Greenbrier County was the defendant which was dismissed from the lower court over storm water sewer system and involves Wal-Mart and neighboring property owners. The lower court dismissed the case and said that Wal-Mart and the property owners were not to be held liable for any storm water damage. She said apparently the water was running across their property and onto neighboring landowners. She said she would keep any eye on the outcome of this case.

AGENDA ITEM NO. 8 – RALPH ALLISON: - Not Present

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: - Councilman David Miller brought out the Hickory Street drain problem again. Councilman at Large Tim Sizemore said the last thing he heard from the Corp of Engineers was they were going to allow them to open it up going toward the river and that the bottleneck was a 18 or 20 inch pipe and A. J. Hill was told the same.

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  
COUNCIL MEETING MINUTES

JUNE 2, 2004

Mayor Rusty Casto called the Council 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.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

COUNCILMAN DAVID MILLER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 05-18-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE MINUTES OF MAY 18, 2004 BE APPROVED, SECONDED BY CONCILMAN DAVID MILLER AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Mayor Rusty Casto reported that Betty Tidquist, a teacher at Nitro Elementary, will be presented the June Citizen of the Month Award at the next Council Meeting.

AGENDA ITEM NO. 3 – SMITH STREET LANDFILL REPORT: Chris Amick gave an update on the progress of the Smith Street Landfill clean-up. The rainy weather has prevented them from completing the project, and it will be around 20 working days before completion.

AGENDA ITEM NO. 4 – APRIL ROBERTSON: City Attorney April Robertson reported that at the next Council Meeting she will present an ordinance for the purchase of some of the private property in and around the Smith Street Landfill.

AGENDA ITEM NO. 5 – RALPH ALLISON: Not present.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: Mayor Rusty Casto asked Building Inspector Bryan Casto what could be done to eliminate the mud coming off 11<sup>th</sup> Street due to all the rain. Bryan Casto stated that the storm drain that runs along Third Avenue needs to be unclogged. This was done last year at a cost of \$31,000.00 and it is clogged again. The developer has installed sumps, check dams, and seeded to help control the problem, but with the big rains these measures have not been sufficient and the storm drains are clogged again. This is causing the muddy water to run down the street. Until the mud is stopped it will be an unending cycle. Mayor Casto asked if the problem could be alleviated by an ordinance. Bryan Casto stated that DEP regulates anything over an acre in size. The main problem is the soil in the storm drain which is



the developer's problem and he should be held responsible. City Attorney April Robertson reported that the only ordinance that covers mud on the streets is a general nuisance ordinance. She stated that another city has a Soil Erosion Control Ordinance that she could research and present to Council at the next meeting.

COUNCILMAN DAVID MILLER MADE A MOTION THAT THE BOAT RAMP BE NAMED AFTER THE LATE DEAN MILLER, A FORMER COUNCILMAN, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT A DEDICATION CEREMONY FOR THE CHILDREN'S PLAYGROUND BE HELD JUNE 19, 2004, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

City Recorder Joan McClanahan reported that the canvas for the June 1, 2004 Municipal Election will be held at 10:00 am on Monday June 7 at the Voter's Registration Office in Charleston and a quorum is required.

Mayor Rusty Casto reported that the new Council will meet July 1, 2004 at 10:00 am in Council Chambers to be sworn in.

Ivan Meadows, president of the Nitro Little League, invited all old and new council members to take part in the Little League parade on June 12, 2004.

There being no further business COUNCILMAN HARRY MILLER III MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILMAN DAVID MILLER AND WAS CARRIED.



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RUSTY CASTO, MAYOR

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JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

JUNE 15, 2004

Mayor Rusty Casto called the Council 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, Bobby Smith, and Harry Miller III. Also present was City Attorney April Robertson. Absent were Councilman at Large Richard Savilla, Councilman David Miller, and City Treasurer Ralph Allison.

COUNCILMAN BOBBY SMITH GAVE THE INVOCATION.

COUNCILMAN HARRY MILLER III LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE 6-02-04 COUNCIL MEETING MINUTES: COUNCILMAN HARRY MILLER III MOVED THE MINUTES OF JUNE 2, 2004 BE APPROVED, SECONDED BY COUNCILMAN BOBBY SMITH AND WAS CARRIED WITH COUNCILMAN AT LARGE TIMOTHY SIZEMORE ABSTAINING.

Terry Martin presented a resolution from the Public Meeting authorizing the submission of the Small Cities Block Grant application for the City of Nitro. COUNCILMAN HARRY MILLER III MOVED FOR ACCEPTANCE OF THE RESOLUTION FOR THE SMALL CITIES BLOCK GRANT, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

RESOLUTION 04- ATTACHED

AGENDA ITEM NO. 2 – APPROVAL OF ELECTION CANVASS & CERTIFY ELECTION RESULTS: City Recorder Joan McClanahan gave each council member a copy of the canvass of the election. The canvass was held June 7, 2004 in the Voter's Registration Office in Charleston. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT THE MINUTES BE APPROVED AND CERTIFY THE ELECTION OF JUNE 1, 2004, SECONDED BY COUNCILMAN HARRY MILLER, III AND WAS CARRIED.

COPY OF MINUTES ATTACHED.

AGENDA ITEM NO. 3 – SMITH STREET LANDFILL REPORT: Chris Amick introduced Mike Hayes who gave a report on the progress of the work done at the Smith Street Landfill.



AGENDA ITEM NO. 4 – CITIZEN OF THE MONTH: Mayor Rusty Casto presented the Citizen of the Month award to retiring Nitro Elementary teachers Betty Tidquist and Mrs. Rooper. Appreciation was expressed for their years of service followed by a warm round of applause.

AGENDA ITEM NO. 5 – DONATION OF PROPERTY: Mayor Casto introduced Olaf Walker and he yielded the floor to George Davis who is donating a piece of property to the City. Mr. Davis explained that the piece of property to be donated is located on Dupont Avenue between Hickory and Gum Streets. They paid \$3,000.00 for the property 14 years ago and request a receipt stating that it was donated to the City of Nitro. Appreciation was expressed by members of council. City Attorney April Robertson said she would draw up papers for the transfer of ownership. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT CITY ATTORNEY APRIL ROBERTSON START RESEARCH WORK FOR THE PROPERTY TO BE DONATED TO THE CITY OF NITRO, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

AGENDA ITEM NO. 6 – JULY 1, 2004 COUNCIL MEETING: Mayor Casto informed returning and new council members that there will be a meeting on July 1, 2004 at 10:00 am in council chambers to be sworn in. The public swearing in will be that evening at 6:00 pm in front of City Hall with a cookout to follow. Councilman A.A. "Joe" Savilla said he would be unable to attend as he will be out of town. Mayor Casto said he could be sworn in the following Tuesday.

AGENDA ITEM NO. 7 – APRIL ROBERTSON: City Attorney April Robertson presented an ordinance to purchase some parcels of real property adjacent to the former Smith Street Landfill site. The parcels include the properties owned by Carl Slater, Joan Loring, James C. and Laura W. Cochran, and Jean Burgess. COUNCILMAN HARRY MILLER III MOVED TO READ BY TITLE ONLY THE ORDINANCE TO PURCHASE PARCELS OF REAL PROPERTY ADJACENT TO THE FORMER SMITH STREET LANDFILL SITE. SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ADOPT THE ORDINANCE AS READ, SECONDED BY COUNCILMAN HARRY MILLER III AND WAS CARRIED.

Councilman at Large Timothy Sizemore asked how the City would be paying for the purchase of these properties. Mayor Rusty Casto stated FMC would pay for these purchases. City Attorney April Robertson passed out maps showing the properties to be purchased.

Attorney Robertson presented an ordinance regarding establishment of regulations for grading in order to control the erosion of soil. She has been working with the Capitol Conservation District, the Western Conservation District, and the Department of Environmental Protection on forming this ordinance. Mayor Casto asked if it would be



required for a bond to be purchased. Attorney Robertson said it would not. Councilman at Large Timothy Sizemore stated that the penalties in the proposed ordinance are not as severe as those in the current ordinance that is in effect. COUNCILMAN HARRY MILLER III MOVED TO TABLE THE ORDINANCE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

City Attorney April Robertson reported that the Legislature repealed the Land Use Planning Statutes in the West Virginia State Code. They enacted a new set of Land Use Planning Codes to now be designated under Chapter 8A, copy attached. Those went into effect June 11, 2004. Any portions of our City Code that makes reference to the former land use codes need to be repealed and new reference needs to be made to Chapter 8A. COUNCILMAN HARRY MILLER III MADE A MOTION TO READ BY TITLE ONLY THE NEW LAND USE CODES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA, AND WAS CARRIED.

COUNCILMAN HARRY MILLER III MADE A MOTION TO ADOPT THE ORDINANCE AS READ THE FIRST TIME BY TITLE ONLY, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 8 – RALPH ALLISON: Not present

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Councilman A.A. "Joe" Savilla reported that there will be a dedication ceremony for the Children's Park to be held this Saturday June 19, 2004 at 2:00 pm. The park will be dedicated in honor of Jo Ellen Conner.

Councilman Harry Miller III stated he enjoyed most of the last four years and wished everyone well.

Councilman Bobby Smith said the past four years were very educational for him. It was a pleasure for him to be a councilman and he is still available to help when needed.

Councilman A.A. "Joe" Savilla said he would miss working with the outgoing councilmen and he wishes them the best.

Councilman at Large Timothy Sizemore wished everyone luck and said he would be around.

Mayor Casto reported that after the required one year waiting period he will appoint Harry Miller III and Timothy Sizemore to the Sanitary Board.

Councilwoman at Large Brenda Tyler said she will miss working with her fellow council members who won't be returning, but looks forward to working with the new ones. She felt council was able to accomplish a lot in the last four years.

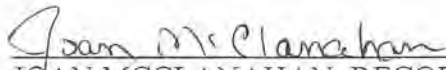
City Recorder Joan McClanahan expressed her respect for the outgoing council members.

Councilwoman at Large Brenda Tyler reported the Nitro Homecoming Committee met and decided not to hold the Homecoming in July due to the hot weather and to allow the new Council to have input. A tentative date is set for the end of August.

There being no further business to discuss COUNCILMAN HARRY MILLER III MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

04-01

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

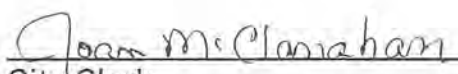
WHEREAS, the Council has identified the Small Cities Community Development Block Grant program as a funding source; and

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 15th day of June, 2004.

  
\_\_\_\_\_  
Mayor  
City of Nitro

  
\_\_\_\_\_  
City Clerk



CITY OF NITRO  
CANVASS OF THE ELECTION

JUNE 7, 2004

City Recorder Joan McClanahan called the meeting to order at 10:10 a.m. in the Voters' Registration Office. Present were Mayor Rusty Casto, City Recorder Joan McClanahan, Councilman at Large Timothy Sizemore, Councilmen Bobby Smith and Harry Miller, III. Also present were Pansy Armstead, Councilwoman at Large Elect Gertie Estep and Councilman Elect Timothy Harrison.

Mayor Casto moved that a bond of \$50.00 be set should a candidate desire a recount, seconded by Councilman Harry Miller, III and was carried.

There was a drawing to determine the number of the precinct that would be hand counted. Mayor Casto drew Precinct No. 351.

The Registrar, Vera McCormick, furnished Council a list of provisional ballots per precinct. In 349, there were 6 provisional ballots and Councilman Harry Miller, III moved that 1 be counted and 5 not counted, seconded by Mayor Rusty Casto and was carried.

In Precinct 350, there were 5 provisional ballots. Councilman Harry Miller, III moved 2 be counted, and 3 not counted, seconded by Councilman Bobby Smith and was carried.

In Precinct 351, there were 4 provisional ballots, Councilman at Large Timothy Sizemore moved that 3 be counted and 1 not counted, seconded by Mayor Rusty Casto and was carried.

In Precinct 352, there were 6 provisional ballots, and Councilman Harry Miller, III moved 5 be counted and 1 not counted, seconded by Councilman at Large Tim Sizemore and was carried.

In Precinct 353, there were 5 provisional ballots, Councilman Bobby Smith moved that 1 be counted and 4 not counted, seconded by Mayor Casto and was carried.

In Precinct 354, there were 9 provisional ballots, and Councilman Harry Miller, III moved 6 be counted and 3 not counted, seconded by Councilman at Large Timothy Sizemore and was carried.

In Precinct 22/23 there were 9 provisional ballots. Councilman Harry Miller, III moved 4 be counted and 5 not be counted, seconded by Councilman Bobby Smith and was carried..

Final accumulated totals as follows:

Final Accumulated Total  
11:37:31 7-Jun-2004

Page

MUNICIPAL ELECTION CITY OF NITRO, WEST VIRGINIA JUNE 1, 2004			Total
	Total	Pct	
PRC CNTD / OF 71 - TOTAL	7	100.00	
Registered Voters - TOTAL	4,243		
Ballots Cast - TOTAL	1,763	41.55	
 MAYOR			
VOTE FOR NOT MORE THAN 1			
RUSTY CASTO	845	48.68	
TIM SIZEMORE	516	29.72	
GARY H. BLANKENSHIP	363	20.61	
WRITE-IN	12	0.68	
 RECORDER			
VOTE FOR NOT MORE THAN 1			
JOAN C. McCLANAHAN	1,237	78.98	
WRITE-IN	310	20.02	
 COUNCIL MEMBERS AT LARGE			
VOTE FOR NOT MORE THAN 1			
GERTRUDE "Gerrie" ESTEP	910	51.32	
BILL CLARK	877	49.40	
BRENDA TYLER	837	47.09	
RICHARD SAVILLA	771	43.43	
WRITE-IN	199	11.26	
 COUNCIL MEMBER - WARD I			
VOTE FOR NOT MORE THAN 1			
A. A. "Joe" SAVILLA	358	78.18	
WRITE-IN	72	15.82	
 COUNCIL MEMBER - WARD II			
VOTE FOR NOT MORE THAN 1			
BILL RACER	399	88.17	
DAVID R. MILLER	212	47.28	
WRITE-IN	3	0.68	
 COUNCIL MEMBER - WARD III			
VOTE FOR NOT MORE THAN 1			
R. TIMOTHY HARRISON	149	36.43	
RAPLH E. MCKINNEY, JR.	145	35.45	
BOBBY LEE SMITH	113	27.63	
WRITE-IN	2	0.49	
 COUNCIL MEMBER - WARD IV			
VOTE FOR NOT MORE THAN 1			
MARK GOODALL	188	58.75	
HARRY K. MILLER, III	123	38.44	
WRITE-IN	9	2.81	

There being no further business, the meeting was adjourned.

RUSTY CASTO, MAYOR

*Joan McClanahan*  
JOAN McCLANAHAN, RECORDER

MUNICIPAL ELECTION  
CITY OF NITRO, WEST VIRGINIA  
JUNE 1, 2004

1 Registered Voters	TOTAL	6	RUSTY CASTO
2 Ballots Cast	TOTAL	7	WRITE IN
3 Percent of Registered Voters			
MAYOR			
VOTE FOR NOT MORE THAN 1			
4	TIM SIZEMORE	8	JOAN C. McCLANAHAN
5	GARY H. BLANKENSHIP	9	WRITE IN
RECORDER			
VOTE FOR NOT MORE THAN 1			
1	2	3	4
0349 NITRO WOMENS CLUB	371	121 32.61	24 12 81 1 80 20
0350 NITRO WOMENS CLUB	480	232 48.33	65 43 120 2 166 51
0351 NITRO ELEMENTARY SCHOOL	652	319 48.93	122 69 124 2 239 44
0352 NITRO ELEMENTARY SCHOOL	530	219 41.32	55 37 120 2 142 40
0353 UNITED STEEL WORKERS OF AMER.	542	241 44.46	79 56 101 1 179 26
0354 SHAWNEE HILLS COMMUNITY CENTER	938	356 37.95	113 84 149 3 259 60
0999 PUTNAM CO. - PRECINCT 22/33	730	275 37.67	58 62 150 1 172 69
TOTAL	4,243	1,763 41.55	516 361 845 12 1,237 310





## STATEMENT OF VOTE CAST

11:38:05 7-Jun-2004

Page 2

MUNICIPAL ELECTION  
CITY OF NITRO, WEST VIRGINIA  
JUNE 1, 2004

## COUNCIL MEMBERS AT LARGE

## VOTE FOR NOT MORE THAN 3

10 GERTRUDE "Gertie" ESTEP  
11 BILL CLARK  
12 BRENDA TYLER  
13 RICHARD SAVILLA  
14 WRITE-IN

## COUNCIL MEMBER - WARD I

## VOTE FOR NOT MORE THAN 1

15 A. A. "Joe" SAVILLA

16 WRITE IN

## COUNCIL MEMBER - WARD II

## VOTE FOR NOT MORE THAN 1

17 BILL RACER

18 DAVID R. MILLER

19 WRITE-IN

	10	11	12	13	14	15	16	17	18	19
0349 NITRO WOMENS CLUB	60	68	61	73	16	82	20	-	-	-
0350 NITRO WOMENS CLUB	123	121	116	109	16	-	-	103	114	0
0351 NITRO ELEMENTARY SCHOOL	182	147	132	117	51	-	-	196	98	3
0352 NITRO ELEMENTARY SCHOOL	101	12	120	98	17	-	-	-	-	-
0353 UNITED STEEL WORKERS OF AMER.	137	106	102	82	32	-	-	-	-	-
0354 SHAWNEE HILLS COMMUNITY CENTER	192	177	173	149	33	-	-	-	-	-
0999 PUTNAM CO. - PRECINCT 22/33	115	129	133	143	34	176	52	-	-	-
TOTAL	910	877	837	771	199	258	72	299	212	3

MUNICIPAL ELECT ON  
CITY OF NITRO, WEST VIRGINIA  
JUNE 1, 2004

COUNCIL MEMBER - WARD III  
VOTE FOR NOT MORE THAN 1

20 BOBBY LEE SMITH  
21 R. TIMOTHY HARRISON  
22 RAPLH E. MCKINNEY, JR  
23 WRITE-IN

0352 NITRO ELEMENTARY SCHOOL  
0353 UNITED STEEL WORKERS OF AMER.  
0354 SHAWNEE HILLS COMMUNITY CENTER

TOTAL

COUNCIL MEMBER WARD IV  
VOTE FOR NOT MORE THAN 1

24 MARK GOODALL  
25 HARRY K. MILLER, III  
26 WRITE-IN

20	21	22	23	24	25	26
55	61	67	1	.	.	.
58	88	78	1	.	.	.
.	.	.	.	188	123	9
113	149	145	2	188	123	9

CITY OF NITRO  
PUBLIC HEARING

JUNE 15, 2004

Mayor Rusty Casto called the Public Meeting to order in Council Chambers at 7:00 pm. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman Bobby Smith and interested citizens.

Mayor Casto yielded the floor to Terry Martin. Mr. Martin stated that the Public Hearing is for a Small Cities Block Grant Program. The City is reapplying for street paving in the area of 2<sup>nd</sup> Avenue from 24<sup>th</sup> Street to 40<sup>th</sup> Street and Michigan Avenue South. Mr. Martin passed out information and stated that the City has applied for this grant in the past, but it has never been granted. He requested input from citizens on this project. A question and answer session followed.

There being no further business the Public Meeting was adjourned.

  
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RUSTY CASTO, MAYOR

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



CITY OF NITRO  
SPECIAL COUNCIL MEETING MINUTES  
JULY 1, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 10:00 am. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep, Brenda Tyler, Councilman at Large Bill Clark, Bill Racer, Tim Harrison, and Mark Goodall. Also present was City Treasurer Ralph Allison. Absent was Councilman A. A. "Joe" Savilla.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – SWEARING IN CEREMONY: Mayor Rusty Casto administered the oath of office to the council members as a group. He congratulated council members and asked them to sign their Oaths of Office. They were to give one copy to City Recorder Joan McClanahan. There will be a public swearing in ceremony this evening at 6:00 pm led by Judge Jeff Woods.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTION: Mayor Rusty Casto introduced each of the City's Department Heads.

AGENDA ITEM NO. 3 – RALPH ALLISON: City Treasurer Ralph Allison requested that a motion be made to make Huntington Bank and Rock Branch Community Bank as the depository of City Funds. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT HUNTINGTON BANK AND ROCK BRANCH COMMUNITY BANK BE MADE THE DEPOSITORY FOR THE CITY. SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO AUTHORIZE MAYOR RUSTY CASTO, CITY RECORDER JOAN MCCLANAHAN, CITY TREASURER RALPH ALLISON, AND PAYROLL CLERK PANSY ARMSTEAD TO SIGN CITY CHECKS. SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

City Treasurer Ralph Allison stated that he had copies of the City Budget available for any council members to review.

AGENDA ITEM NO. 4 – APPOINTMENT TO LIBRARY BOARD: COUNCILMAN TIM HARRISON MADE A MOTION TO APPOINT CITY RECORDER JOAN MCCLANAHAN TO THE LIBRARY BOARD, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO: 5 – MAYOR'S COMMENTS: Mayor Casto reported that he has a meeting today at 11:45 am at TGI Friday's concerning the fence at the Smith Street Landfill. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT MAYOR RUSTY CASTO DRAW UP THE SPECIFICATIONS FOR THE AMOUNT OF FENCE NECESSARY TO BE REPLACED AT THE FORMER SMITH STREET LANDFILL. THIS WILL THEN BE PUT OUT FOR BID AND VOTED ON BY COUNCIL, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

Councilman Mark Goodall thanked everyone who supported him. He mentioned some items he would like to see addressed.

Councilman Tim Harrison stated it is an honor to serve on Council and thanked those who have helped him to get in office. He highlighted some issues he would like to see addressed.

Councilman Bill Racer addressed Council.

Councilwoman at Large Gertie Estep reported she plans to work hard for the senior citizens of the city and has other items she would like to address as well.

Councilman at Large Bill Clark stated it is an honor to serve on Council and plans to work hard for the city.

Councilwoman at Large Brenda Tyler thanked those who re-elected her. She plans to continue working for recreation for the children of the city.

City Recorder Joan McClanahan thanked everyone who supported her during the city election. She said she wanted to thank Audra Lewis and Pansy Armstead for all their help with the election. Mrs. McClanahan stated that she felt the City should support local businesses. She reported that the city originally used Thomas Tire and Marty Tire, both of which are local businesses, but are presently using other vendors. Thomas Tire has especially been good to work with the city in the past. She discussed this with the Mayor and he is taking care of this matter so that the city will again use these local businesses as vendors. Mrs. McClanahan stated that the Building Department, headed by Bryan Casto as Building Inspector, is presently under the Fire Department. She felt this department could better serve the city if it was separated from the Fire Department and operated as a separate entity. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO SEPARATE THE BUILDING DEPARTMENT FROM THE FIRE DEPARTMENT. THIS DEPARTMENT WILL BE HEADED BY THE BUILDING INSPECTOR WHO WILL ANSWER DIRECTLY TO THE MAYOR, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED WITH COUNCILWOMAN AT LARGE BRENDA TYLER AND COUNCILMAN AT LARGE BILL CLARK OPPOSING.

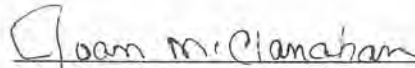
CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THEY MOVE TO EXECUTIVE SESSION FOR A PERSONNEL MATTER, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

COUNCIL RECONVENED FROM EXECUTIVE SESSION.

There being no further business to discuss COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ADJOURN, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER



## CITY OF NITRO

## COUNCIL MEETING MINUTES

JULY 6, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present was City Treasurer Ralph Allison.

Mayor Casto asked that they remember Eve Frazier in prayer. She was the Mayor's secretary for a number of years and suffered a heart attack and stroke last week.

COUNCILMAN TIM HARRISON GAVE THE INVOCATION.

COUNCILWOMAN AT LARGE GERTIE ESTEP LED THE PLEDGE OF ALLEGIANCE.

Councilman A. A. "Joe" Savilla was sworn in as Councilman of Ward I. He signed his Oath of Office and gave a copy to City Recorder Joan McClanahan.

AGENDA ITEM NO. 1 – APPROVAL OF THE 06-15-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MOVED THAT THE JUNE 15, 2004 COUNCIL MEETING MINUTES BE ACCEPTED, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

AGENDA ITEM NO. 2 – APPROVAL OF THE 06-15-04 PUBLIC HEARING MINUTES: COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE JUNE 15, 2004 PUBLIC HEARING MINUTES BE ACCEPTED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 3 – APPROVAL OF THE 07-01-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MOVED THAT THE JULY 1, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 4 – KEMRON REPORT: Chris Amick reported on the status of the work being done at the former Smith Street landfill. The earth work, off-site waste removal, and the capping activity on the landfill have been completed. It has also been hydro seeded. The West Virginia Department of Natural Resources is in the process of working on documentation to obtain funding for the boat launch construction. They will give a summary report on the complete project at the first council meeting in August. The on-site dedication is scheduled for August 5, 2004 at 5:30 pm.

AGENDA ITEM NO. 5 – MAYOR’S INTRODUCTIONS: Mayor Casto yielded the floor to Captain Javins. Mr. Javins stated that the Police Department is conducting an investigation of the former and current city councils. He asked for everyone’s cooperation in this matter. Upon conclusion the findings will be given to the Mayor and the City Attorney. Councilman at Large Bill Clark asked Captain Javins to elaborate on what the investigation is concerning. Mr. Javins stated that it is a violation of a City Ordinance regarding Open Meetings and Special Meetings of the council as governing body.

Mayor Casto introduced Attorney Dennis Vaughn who is a partner with the new City Attorney Troy Giatras. Mr. Giatras was unable to attend as he is in Boston at a conference. Also present with Mr. Vaughn was Mark French who is also with their firm. Attorney Vaughn addressed Council concerning the laws they are governed by.

AGENDA ITEM NO. 6 – VIDEO GAMING ESTABLISHMENTS: Councilwoman at Large Brenda Tyler stated that the fourth video gaming establishment is getting ready to open on Main Avenue. This is a concern to citizens as these businesses are being put in next door to resident’s homes. The City had placed a 60 day moratorium on the establishments, but it was turned down by the State. She spoke with Mr. John Melton of the Lottery Commission and he assured her that a City Ordinance could be written stating that these establishments cannot be built within a certain proximity to residents, churches, or schools. It could also state that they cannot be placed within a certain proximity of other similar establishments. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT THE CITY ATTORNEY WRITE AN ORDINANCE RESTRICTING VIDEO GAMING ESTABLISHMENTS, SECONDED BY COUNCILMAN A.A. “JOE” SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 – RALPH ALLISON: City Treasurer Ralph Allison stated that there are several city vehicles that are no longer under warranty and the majority is ready to run out. He requested council’s permission to put out to bid the purchase of a diagnostic scanner. It will probably cost between \$4,000.00 and \$5,000.00 so it will not be purchased at this time. COUNCILMAN A.A. “JOE” SAVILLA MOVED THAT CITY TREASURER RALPH ALLISON PUT OUT FOR BID THE PURCHASE OF A DIAGNOSTIC SCANNER, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 8 – MAYOR’S COMMENTS: Councilman Mark Goodall thanked Danny Hill, Mike Lamb, and Howard Spencer for the food they provided for the swearing in ceremony. He requested a meeting between Council and City Treasurer Ralph Allison. Councilwoman at Large Gertie Estep requested that it be held after tonight’s council meeting. He also requested that there be a special Ward IV meeting toward the end of summer.

Councilman Tim Harrison thanked the citizens from his Ward for attending the Council Meeting. He is concerned with some sewer manholes that have settled,



especially one on Juniper Street. He plans to contact Danny Lewis of the Sanitary Department concerning this.

A.A. "Joe" Savilla apologized for not being at the swearing in ceremony as he was on a family vacation that had been planned since January. He thanked those who voted for him.

Councilwoman at Large Gertie Estep asked the Mayor for a list from the Police Chief of the patrol cars and SUV's and who they are assigned to along with the license numbers. These are to be given to Council. She had requested this information from the Police Chief, but was unable to receive it. A resident attending the meeting asked Councilwoman at Large Estep why she needed this information. Mrs. Estep stated that while she was campaigning several residents wanted to know why there were police cars out there with dark tinted windows. They could see the numbers, but they didn't know who were in them because of the tinted glass. They do not like the tinted glass for this reason. Captain Javins explained that there had been problems in the past so the Police Chief made the decision to have the windows tinted to protect the police officers. Attorney Dennis Vaughn stated that there is a discussion taking place without a motion on the floor. He was concerned that the proper steps needed to be taken to keep the meeting in order. Councilwoman at Large Gertie Estep inquired why she needed a motion to get this information. Attorney Vaughn stated that she shouldn't need a motion for this. She should be able to meet as an individual council person with the Police Department to get this information. Mrs. Estep stated that she had done this, but it didn't work. Mayor Casto said that he would see about getting this information for her. Councilwoman at Large Estep stated that she wanted their addresses, vehicle numbers, and the names of the people driving them. Councilman Tim Harrison asked the Mayor what the addresses of the police officers have to do with a city owned vehicle. He was concerned that citizens might go to the police officers homes. Mayor Casto asked Attorney Dennis Vaughn if it was permissible for Councilwoman at Large Gertie Estep to have a list of the Police Cars and their drivers. Attorney Vaughn said it certainly would be permissible. He stated that any council member has the right to go to a department head as long as it's a fair question. Mrs. Estep stated that she did that. City Recorder Joan McClanahan stated that she has a list of all the vehicles, but does not know who is assigned to drive those vehicles.

Councilman at Large Bill Clark stated that he was concerned about the investigation being done by the Police Department. He asked if they could go into executive session concerning the matter. Mayor Rusty Casto said he felt they should wait for the City Attorney to look at the facts.

Councilwoman at Large Brenda Tyler stated that she did not see anything wrong with anybody knowing the police cars and who's driving them. She does have a problem with putting out their addresses and phone numbers. She stated that anything regarding the Police Department should be answered by the Police Chief as the Department Head. Since the Police Chief Jack Jordan is on vacation Mayor Casto asked Attorney Vaughn if it made a difference whether the Captain gave out the information on the police cars



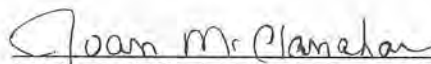
rather than the Chief. Attorney Vaughn stated that any requests should go to the Department Head as he is responsible for that department.

There being no further business to discuss COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.



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RUSTY CASTO, MAYOR



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JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

JULY 20, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present was City Treasurer Ralph Allison.

Mayor Casto asked everyone to remember Jim Cash, minister of the Nitro Nazarene Church, as he suffered a heart attack last week.

COUNCILWOMAN AT LARGE GERTIE ESTEP GAVE THE INVOCATION.

COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

Mayor Rusty Casto yielded the floor to Troy Giatras. Attorney Giatras introduced himself and stated that he is happy to serve as the new city attorney.

AGENDA ITEM NO. 1 – APPROVAL OF THE 07-06-04 COUNCIL MEETING MINUTES: COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE JULY 6, 2004, COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 2 – KEMRON REPORT: Nothing to report. Mayor Casto stated that the next meeting will be in Council Chambers on August 5, 2004 at 5:30 pm. There will be a free supper followed by an update on the clean up of the former Smith Street Landfill and the boat ramp.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto yielded the floor to Delegate Rusty Webb. Mr. Webb stated that the Kanawha Charleston Soccer Association acquired a lease from THF Realty for the property at the Nitro Marketplace adjacent to Goody's. This land will be used for soccer fields and parking by the Cross Lanes, Nitro, Poca Soccer Association. It will also be used by Nitro High School. There is a one acre tract of land in this area that is owned by the City. Mr. Webb is requesting that the Soccer Association be allowed to use this acre of land until the City wants it back. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE CITY DRAW UP AN AGREEMENT FOR THE KANAWHA CHARLESTON SOCCER ASSOCIATION TO USE THE ONE ACRE TRACT OF LAND LOCATED AT THE NITRO MARKETPLACE WHICH IS OWNED BY THE CITY OF NITRO, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 4 – NITRO-ST. ALBANS BRIDGE: Mayor Casto reported that he will be meeting with an Aide of Senator Robert C. Byrd on Thursday



Morning at 10:00 am to make another pitch for the Nitro-St. Albans Bridge. He is also going to mention the Interstate Bridge. According to City Treasurer Ralph Allison the B&O Tax from the Nitro-St. Albans Bridge would be approximately 3 million dollars which would be shared with the City of St. Albans. Mayor Casto also plans to discuss the Frederick Street flooding.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Treasurer Ralph Allison called a budget meeting for Tuesday July 27, 2004 at 7:00 pm in Council Chambers. Mr. Allison also stated that the invitation to bid on the fence around the former Smith Street Landfill will be in the paper this Friday.

City Attorney Troy Giatras presented a draft for an ordinance that would limit gaming establishments within city limits. In the B1 and B2 Zoning Districts there will be a regulation for gambling or games of chance establishments as defined and used in the Limited Video Lottery Act in West Virginia Code 2922B-101. It would limit the establishments from being located any closer than 2,000 feet of other gaming establishments and 1,000 feet of any church, place of worship, library, school, or community center. Councilman A.A. "Joe" Savilla asked if that was as strong as it could be worded. Attorney Giatras stated it could be worded differently. Councilman Savilla stated that he would like to extend the distance on the ordinance to make it more restrictive. Councilwoman at Large Brenda Tyler asked if the distance could be extended from 2,000 to 4,000 feet. Attorney Giatras stated that the distance could not be extended to the point that it would prohibit any new establishments. City Recorder Joan McClanahan asked if at least the distance from churches, places of worship, schools, and community centers could be extended to 2,000 feet. Councilwoman at Large Brenda Tyler said she would like to see the distance as many feet as can be done without getting into any problems. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE ORDINANCE BE READ BY TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mayor Rusty Casto read the ordinance by title only, "An Ordinance to amend the Zoning Ordinance of the City of Nitro by amending the list of permissive uses to allow "Gambling Establishment, as a permissive use in the B-1 Nitro Local or Neighborhood Business District and B-2 Nitro Central Business District."

COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TO APPROVE THE FIRST READING OF THE ORDINANCE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Attorney Giatras reported that the City had a case dismissed in front of Judge Bloom. The case was a writ of mandamus against the City of Nitro with respect to the case of the City of Nitro versus Roy Pauley. In that case the order and findings of Judge Wood was upheld and the writ of mandamus was dismissed for a lack of good cause. An order was prepared, but they have not yet received the entered order from Judge Jeff Woods.



Mayor Rusty Casto reported that there was a situation concerning a mobile home that was moved to 40<sup>th</sup> Street. He stated that prior to this being done it went before the Zoning Board of Appeals and was approved for the issuance of a permit to move the trailer to 40<sup>th</sup> Street by a vote of 3 to 2. According to Mayor Casto he can say nothing about this and neither can Council. This can only be overturned by the Circuit Judge. Attorney Troy Giatras stated that this is correct as the Zoning Board of Appeals acts as an independent arm as an Appeals Court on the zoning ordinances. Once it does that it is not beholden with respect to actions from the Mayor and City Council. Any action from there would be taken to the Circuit Court in Kanawha County. Even if an ordinance was passed now it would be too late to affect that actual case. Councilman A.A. "Joe" Savilla asked what if we've already got the ordinance in place and the information provided to the Zoning Board of Appeals was not completely accurate. Attorney Giatras stated that if the Zoning Board of Appeals made a certain finding then one of the parties would have to appeal at Circuit Court. Mayor Casto stated that once they have made their decision only a Circuit Judge can overturn it. He cannot do anything, Bryan Casto (Building Inspector) cannot do anything, Council cannot do anything; only a Circuit Judge can overturn it. Attorney Giatras stated that was correct. Councilman A.A. "Joe" Savilla stated that they need to find out if the information provided to the Zoning Board of Appeals was correct. If it was incorrect it needs to be pursued to the Circuit Court if necessary. Councilman Bill Clark told Attorney Giatras that he spoke with the Building Inspector today and he did not have in place a plan, a plot map showing pins, a survey of the property locating the trailer on the property of where it may be. He had no idea of how close it was to the State Road, which is somewhere around twenty feet in a turn. Councilman Clark stated that the Chairperson for the Board of Appeals had never seen that and it was on contingency that they would receive that. According to Councilman Clark the Chairperson told him they would go ahead and vote on it prior to and ok it if they got that from Bryan Casto and then he was to issue the permit. The permit was never issued, they went forward with the project, put it in on Saturday, and blocked the road again today. Councilman at Large Clark came back to City Hall and found out there was never a permit issued. He brought it to their attention. They had no paperwork in place except a sketch that someone had drawn showing what they had. Councilman Clark stated that this gentleman has three apartments he is not taking care of and he asked for a leniency to put a mobile home in because he's suppose to be marrying a woman that sold her house in Teays Valley and is going to be moving in with him on 40<sup>th</sup> Street. At this point they still didn't have the permit. Councilman Clark stated that after he made this known to Bryan Casto that he was looking into it he guessed that Bryan contacted the people and that Ms. Mae Smith came in then and got her permit and received no fines or penalties. Councilman Clark said he talked to Pam Brewer of the Zoning Board of Appeals and she said she made it very clear to Bryan and Ms. Smith that they would still need to pursue that permit, and never did. Our Building Inspector let it slide and said he didn't feel like he should burden her with a penalty, after we burden the people on 40<sup>th</sup> Street with a trailer, so we need to pursue this. We need to pursue the fact that the Building Inspector possibly is way too lenient. We already have one situation on 10<sup>th</sup> Street where our Building Inspector has been way too lenient and now we have another one where we have a blatant violation of our Code because some people on the Zoning Board did not receive the proper information they need to make this decision. Maybe this information



when the Zoning Board makes these decisions need to come back into Council and we need to look at that before they pursue these matters. A citizen attending the meeting stated that they drove by there this evening and one end of the trailer is hanging over the hill and it's going to cave. Also a neighbor told her that the trailer might be on another person's property. Councilman Clark stated that the right-of-way from the center of the road is twenty feet and the trailer is within fifteen to sixteen feet of the State Road. He asked the Building Inspector this morning how can he help this guy when someone's going to leave the highway and run through there and kill someone in that trailer, how are you helping this guy? Bryan Casto said he has already petitioned the State for a guard rail. Councilman Clark asked the Building Inspector why, if he knew a guard rail was needed there, did he okay the permit. Councilman Clark said that the Building Inspector on his own admission stated that they should have a guard rail up there and the State said no. Councilman Clark said they need six places to park on top of that because they had three apartments and now a trailer. He doesn't see how you can get 6 cars in there to turn around. Councilman Clark said they need to try to stop this before they have the utilities hooked up to it, before it goes any further. Mayor Casto told Attorney Giatras he would need to contact the Building Inspector tomorrow. Councilman Clark stated he spent four hours this morning trying to get a hold of this till 1:00 today, to do his best to try to get the brakes on it before the people lay out any more cash to do what they're doing that we might have to overturn this and eat this.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: Councilman Tim Harrison thanked Department Heads Mr. Danny Lewis, Mr. A. J. Hill, and Mr. Bryan Casto for taking care of some situations he had inquired about for his constituents.

Councilwoman at Large Gertie Estep asked the Mayor if he was able to get the list of the driver's names for the police vehicles that she requested from him at the last council meeting as she could not get the list from the Chief. The Mayor had told her he would get her the list. Mayor Casto stated that he and Attorney Giatras had discussed that for awhile. Attorney Giatras stated that if there was going to be a request of that nature then a motion and second would need to be made according to the Roberts Rules of Orders and proceed in that order. COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION THAT COUNCIL RECEIVE A LIST OF ALL THE POLICE VEHICLES AND THE PATROLMAN THE VEHICLES ARE ASSIGNED TO, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. The floor was open for discussion. Councilman A.A. "Joe" Savilla wanted to know why Councilwoman Estep needed this information and also what gave her the right to request this information. Councilwoman Estep stated that while she was out campaigning people wanted to know who was driving the police vehicles. The vehicles have tinted windows and they cannot tell if it is a man or woman is driving the vehicles. Councilman A.A. "Joe" Savilla stated that there are policemen driving these cars and that if she has a request about a particular police officer she should contact the Police Chief. He stated that she is not going to jeopardize the safety of the police officers over some political whim. Councilwoman Estep stated that this is not a political whim. This is something that any Council at Large or any Council should be able to have and know. Councilman Savilla said all she has to do is go ask the Police Chief and he'll tell you anything you want to know.



Councilwoman Estep said she went to the Chief's office and he threw her out and told her she could not come back in. Councilman Savilla said that if there's anything that might put the police officers' life in harm's way; you can ask the City Attorney, you can ask anybody, you're not going to do it. Councilwoman Estep asked if she was going to get a list of names. Councilman Savilla said she can have a list of names, but that's it. Mayor Casto added and the cars that they're assigned to, reiterated by Councilwoman Estep. Councilman Savilla said you're not going to get their phone numbers, you're not going to get addresses. Councilwoman Estep said she doesn't want their phone numbers. Councilman Savilla said she asked for all that last time. Mayor Casto said they were going to have the vote on giving council a list of the police cars and the assignment to those cars. COUNCILWOMAN AT LARGE GERTIE ESTEP AND CITY RECORDER JOAN MCCLANAHAN VOTED IN FAVOR. COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMEN A.A. "JOE" SAVILLA AND TIM HARRISON VOTED AGAINST. COUNCILMEN BILL RACER AND MARK GOODALL ABSTAINED. Mayor Casto stated that the motion failed. Councilwoman at Large Gertie Estep said she would be back.

Councilman at Large Bill Clark said he just wanted to make sure that was taken care of with that mobile home ordinance. He also said that he thought in the near future we need to adopt an ordinance that prohibits mobile home and tighten that area up a lot. Mayor Casto said just prohibit them altogether. Councilman Clark said that would be the best thing to do. That would be simple he added. Councilwoman at Large Brenda Tyler said we have an ordinance that there's no mobile homes within the City of Nitro. Councilman Clark said he's hearing from the Building Inspector there's not an ordinance against mobile homes in the City. He pointed out to Councilman Clark many locations today where you can put mobile homes. Mayor Casto said that's correct. Councilman Clark said maybe we should entertain that here tonight. Mayor Casto asked Attorney Giatras if they could prohibit bringing a mobile home appeal to the Zoning Board of Appeals. Attorney Giatras stated that he would have to look at that because that's a zoning ordinance and zoning ordinances are taken by the Board of Zoning Appeals. Councilman Clark said then maybe they need to look at better criteria of people that serve on the Zoning Board.

There being no further business, COUNCILMAN TIM HARRISON MOVED THAT THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

  
RUSTY CASTO, MAYOR

  
JOAN MCCLANAHAN, RECORDER



CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 3, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison.

Mayor Casto asked everyone to remember Arlie "Smitty" Smith, a former employee of Public Works who had triple bypass surgery this afternoon and also Sgt. Scurlock who was injured while serving in the military in Iraq.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION.

COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 07-20-04 COUNCIL MEETING MINUTES: COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE JULY 20, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 2 – KEMRON REPORT: Chris Amick of Kemron reported on the progress of the work being done at the former Smith Street landfill. Clean up has been completed and the site has been hydro-seeded. A risk assessment will be done and a final report will be presented. David Hight reported that the certificate of completion should be issued sometime early next year and a public boat ramp will probably be constructed next summer. Mayor Casto stated that there will be a public tour of the site on Thursday August 5. They will leave Council Chambers at 5:45 pm and will walk the landfill.

Attorney Troy Giatras presented a resolution that would ratify Council's movement to purchase the Loring, Miller, Cochran, and Burgess properties in conjunction with the Smith Street Landfill clean up. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TO ACCEPT THE RESOLUTION TO PURCHASE THE LORING, MILLER, COCHRAN, AND BURGESS PROPERTIES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

RESOLUTION 04-02 ATTACHED.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTIONS: There were no candidates present for the Mayor to introduce.

AGENDA ITEM NO. 4 – CITIZEN OF THE MONTH: The person selected for Citizen of the Month is on vacation. He will be presented his award at the next council meeting.

AGENDA ITEM NO. 5 – RESOLUTION LEAVING BUDGET AS IS FOR FISCAL YEAR: Mayor Casto yielded the floor to Councilman Mark Goodall. Councilman Goodall reported that some employees were concerned about cut backs. He stated that after the budget meeting with City Treasurer Ralph Allison it did not seem that the city was in dire straits and therefore proposed a resolution to leave the budget as is. Mr. Goodall read the resolution. WHEREAS THAT MAYOR CASTO, THE FORMER COUNCIL, AND RALPH ALLISON CITY TREASURER GAVE OF THEIR TIME, KNOWLEDGE, AND LEADERSHIP TO PREPARE A BUDGET FOR THE EMPLOYEES AND CITIZENS OF THE CITY OF NITRO WEST VIRGINIA; BE IT HERETO RESOLVED THAT THE MAYOR AND COUNCIL FOR THE CITY OF NITRO, WEST VIRGINIA PLEDGE TO HONOR THE 2004 – 2005 BUDGET AS PREPARED AND ADOPTED FOR THE FISCAL YEAR.

COUNCILMAN MARK GOODALL MOVED THAT THE BUDGET RESOLUTION BE ACCEPTED, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

RESOLUTION 04-03 ATTACHED.

AGENDA ITEM NO. 6 – TROY GIATRAS: City Attorney Troy Giatras reported on the status of the appeal by Mr. Pauley to the West Virginia Supreme Court concerning Judge Bloom's decision. Attorney Giatras stated that the Supreme Court is on vacation until September so no decision will be made until then.

Attorney Giatras presented a revised ordinance from the last Council Meeting concerning Gaming Establishments. The number 2,000 has been changed to 3,000 in paragraph one. The number 1,000 has been changed to 3,000 in paragraph two. Attorney Giatras stated that established gaming businesses will be grandfathered in. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE ORDINANCE BE READ BY TITLE ONLY, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Mayor Casto read the ordinance by title only: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NITRO BY AMENDING THE LIST OF PERMISSIVE USES TO ALLOW "GAMBLING ESTABLISHMENT" AS A PERMISSIVE USE IN THE B-1 NITRO LOCAL AND NEIGHBORHOOD BUSINESS DISTRICT AND B-2 NITRO CENTRAL BUSINESS DISTRICT.

COUNCILMAN A.A. "JOE" SAVILLA MOVED TO ACCEPT THE ORDINANCE AS READ, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.



The ordinance will go into effect immediately.

ORDINANCE 04-04 ATTACHED.

AGENDA ITEM NO. 7 – RALPH ALLISON: City Treasurer Ralph Allison reported that there were bids to open for the fence around the Smith Street Landfill. City Recorder Joan McClanahan asked Attorney Giatras for his advice on the bids. She stated that two bids were received by mail as sealed bids and one was received by fax prior to 3:00 pm today. She talked with Mr. Allison about the bids and he is of the opinion that the two bids received by mail are for one thing and the bid received by fax is for something else. Attorney Giatras stated that he was not familiar with our bid process so it is difficult for him to make a decision on the matter. City Recorder Joan McClanahan opened a bid from Dave Adkins, Jr. of 4525 Kanawha Avenue SW, Charleston. The total price was \$7,948.94 for the scanner. The cost with trade in of old scanner is \$6,199.94. Councilwoman at Large Brenda Tyler opened a bid from Dave Adkins, Jr. of 4525 Kanawha Avenue SW, Charleston. The bid amount was \$7,499.00 for a used scanner. City Recorder Joan McClanahan read the bid that came in by fax. It was received from All Quality in Cross Lanes. Bid amount was \$39,772.00 for the fence at the former Smith Street Landfill site. It was the only bid received for the fence. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT ALL BIDS GO TO COMMITTEE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Casto yielded the floor to Councilman Tim Harrison. Councilman Harrison stated that there is a residence in his Ward that is in a state of disrepair. Roaches from this property are migrating to a neighbor's property and causing a health risk as they have a daughter with a medical condition. Councilman Harrison asked Attorney Giatras if the City could step in on this matter according to City Code 1129.03. Mr. Harrison stated that Building Inspector Bryan Casto and he have contacted the County Health Department for an inspection of the premises. He asked Attorney Giatras if they were proceeding correctly by starting with the County Health Department. Mayor Casto asked if they could approach a judge concerning fumigating the house. Attorney Giatras said he would have to look into it.

Councilman A.A. "Joe" Savilla stated that he has received a call from a resident of Brookhaven who is concerned that someone is trying to develop the property located behind the subdivision. The streets of Brookhaven are in poor condition and they are concerned that they cannot handle concrete trucks traveling on them. Mr. Savilla asked the Mayor if the Building Inspector had been approached about that property being developed. Mayor Casto stated that he had not heard, but he would check into it. Mr. Savilla stated that back in the 1970's or 1980's there was a moratorium put on construction in Brookhaven due to the condition of the streets.

Councilwoman at Large Gertie Estep stated that the Exercise Program at the Community Center will start again September 1, 2004. These classes will take place in the gym to handle a lot of people. They still need money to pay their rent as it is



\$2,200.00 a month. She requested that the City help on this matter. She stated that she asked for money for the Senior Citizens at the Budget Meeting, but was told they have no money even though they have 3.7 million dollars. The Seniors were given \$5,000.00 last year and are budgeted for the same amount this year. Councilwoman at Large Estep stated that the City should give them more money as 65% of the town is seniors which is a lot more than children. Councilwoman at Large Brenda Tyler stated that the seniors are not funded by the city. It is a separate organization like any other organization of the city. It is not a right arm of the city. It is not a responsibility of the city. It is just through generosity that the City has given contributions to the senior citizens through the past years. She stated that as she looks at their report she thinks they need to give the City some money. Mayor Casto asked if it was set by law how much the Seniors have to give out for prize money. A representative of the seniors stated that the raffle tickets pay out 88 to 91%. They have taken actions to cut down on what they are spending for Bingo. He stated that in February at the budget time he will present Council with a list of where they made contributions and where their expenses are. He added that by law they can use 25% of their revenue for expenses and they only use 13%. He stated that most communities around support their senior citizen programs to a lot greater extent than we do, unfortunately.

Councilman at Large Bill Clark made a motion to pursue a court order to have the trailer on 40<sup>th</sup> Street removed. He stated that they have a petition with signed names to give to the City Attorney. Attorney Giatras stated that unless there is a process for reconsideration to the Zoning Board of Appeals then the case would go to Circuit Court. Councilman A.A. "Joe" Savilla said the real question is how did the Zoning Board of Appeals approve the placement of a trailer on 40<sup>th</sup> Street when the City of Nitro has by ordinance a moratorium on no trailers other than the ones that are grandfathered in. Mayor Casto stated that the Zoning Board of Appeals meets independently and can do that. Attorney Giatras stated that this was correct. Councilman at Large Clark said then it will take a court order to have it removed. Attorney Giatras said to undo he could appeal the decision of the Board of Zoning Appeals to a Circuit Judge. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO APPEAL THE DECISION OF THE ZONING BOARD OF APPEALS CONCERNING THE TRAILER ON 40<sup>TH</sup> STREET, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA. VOTING IN FAVOR OF THE MOTION WERE COUNCILMAN TIM HARRISON, COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMAN A.A. "JOE" SAVILLA, COUNCILMAN BILL RACER. VOTING AGAINST THE MOTION WERE CITY RECORDER JOAN MCCLANAHAN AND COUNCILWOMAN AT LARGE GERTIE ESTEP. COUNCILMAN MARK GOODALL ABSTAINED.

Councilman at Large Bill Clark said a motion needs made that they ban all mobile homes including doublewides, anything with wheels from permanent foundations within the entire city. Mayor Casto said they can ask the Attorney to draw up an ordinance. Attorney Giatras said he could draw up an ordinance from a policy standpoint. Mayor Casto asked if the City Council had the authority to prohibit someone from going to the Zoning Board of Appeals on a trailer. Attorney Giatras said it could be written so

essentially there are no appeals if it is prohibited without exception. If it is written this way it is impossible when you go to the Board of Zoning Appeals that you ask for an exception, they really can't give a variance because there is no variance there to give. Councilman at Large Bill Clark said he would like to make a motion to go into Executive Session concerning employees after the Council Meeting.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO AMEND THE ORDINANCE ON BANNING ELECTRIC SCOOTERS TO ALSO INCLUDE THE RAZOR OR MOTORIZED MINIATURE BIKES, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

Councilwoman at Large Brenda Tyler had two checks for donations for the Recreation Fund to give to Treasurer Ralph Allison.

A lady from the audience stated that she was really appalled at what Councilwoman Estep said about comparing our Seniors and our children. That should never happen. The people of this town should be equal, everybody in this town. Councilwoman at Large Gertie Estep said there are 65% seniors in Nitro. We've helped our children, now we need to help our seniors. The lady from the audience stated that we don't give money to our children; we go out and raise our money. Councilwoman Estep said they do too, she works every Thursday night.

COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO GO INTO EXECUTIVE SESSION, SECONDED BY A.A. "JOE" SAVILLA AND WAS CARRIED WITH COUNCILMAN MARK GOODALL OPPOSED.

Councilwoman at Large Gertie Estep stated that it is against the law for somebody to go outside this room and go to the Police Department and tell everything they have done. It is illegal. A lady from the audience said at least we're not going behind closed doors and having a secret meeting.

The Council Meeting was adjourned for Executive Session at 8:40 p.m.

The Council Meeting reconvened from Executive Session at 8:53 p.m.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING WAS ADJOURNED.

  
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RUSTY CASTO, MAYOR

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



RESOLUTION

NO.: 04-02 \_\_\_\_\_

Introduced in Council

Adopted by Council:

August 3, \_\_\_\_\_, 2004August 3, \_\_\_\_\_, 2004

Introduced by:

Referred to:

Councilwoman at Large Brenda Tyler

WHEREAS: The City of Nitro in the continuing effort to beautify the City and provide recreation and other outdoor activities for the citizens undertakes consideration of receiving parcels of property surrounding the former Nitro Sanitation Landfill;

WHEREAS: The City of Nitro intends to accept title of ownership to property known as the Loring property more fully described as follows:

Parcel 153 x 50, Out of 5 77/100A, Tr Eastview Land Company, Kanawha County WV (Deed Book 1412 Page 617), which is commonly known as 1 Smith Street, Nitro, WV 25146

WHEREAS: The City of Nitro intends to accept title of ownership to property known as the Slater property more fully described as follows:

Lot 2, Eastview Subdivision, Kanawha County, WV (Deed Book 1203 Page 345), which is commonly known as 2 Smith Street, Nitro WV 25146

WHEREAS: The City of Nitro intends to accept title of ownership to property known as the Burgess property more fully described as follows:

A portion of the real estate conveyed unto Regenia A. Burgess by Deed Book 2583 Page 329 and Deed Book 1973 Page 431 consisting of a 4,001.76 square foot parcel located in the City of Nitro, situated on the waters of the Kanawha River, Kanawha County, West Virginia, and is commonly known as 137 Main Avenue Nitro, WV 25146

WHEREAS: The City of Nitro intends to accept title of ownership to property known as the Cochran property more fully described as follows:



A portion of the real estate conveyed unto Jay C. and Laura W. Cochran by Deed Book 2455 Page 522 (Parcel Three) consisting of a 1,155.12 square foot parcel located in the City of Nitro, situated on the waters of the Kanawha River, Kanawha County, West Virginia and is commonly known as Minor Avenue Nitro, WV 25146

WHEREAS: The four (4) parcels of property will be purchased by FMC Corporation and legal title transferred to the City of Nitro for no fee;

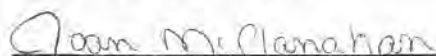
WHEREAS: The four (4) referenced properties will adjoin the former Nitro Sanitation Landfill property currently owned by the City of Nitro so as to greater enhance and maximize all of the potential use for a proposed boat launch ramp for the citizens for the City of Nitro and others to enjoy.

BE IT RESOLVED: On this day the City of Nitro, by and through its City Council with elected members and for the use and benefit of all the citizens hereby accepts legal title to the properties as identified in this Resolution and directs our City Attorney to complete all necessary and proper paperwork to effectuate the transfer of the property to the legal ownership of the City of Nitro.

BE IT FURTHER RESOLVED: That the property received from FMC Corporation shall provide for greater enhancement, use and enjoyment for the proposed boat launch ramp or for any other purpose as deemed fit and necessary by the City of Nitro.

BE IT FURTHER RESOLVED: That the City of Nitro, its elected members, and its citizens, extend gratitude to FMC Corporation as a corporate neighbor of the City of Nitro.

  
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RUSTY CASTO, MAYOR

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


## **Budget Resolution**

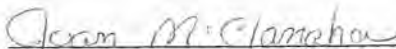
RESOLUTION 04-03

**WHEREAS;** that Mayor Casto, the former Council, and Ralph Allison City Treasurer, gave of their time, knowledge, and leadership to prepare a budget for the employees and citizens of the City of Nitro, WV;

**BE IT HERETO RESOLVED,** that the Mayor and Council of the City of Nitro, WV, pledge to honor the 2004-2005 budget as prepared and adopted for the fiscal year.

PASSED THIS 3RD DAY OF AUGUST, 2004.

  
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RUSTY CASTO, MAYOR

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

ORDINANCE NO.: 04- 04

Introduced in Council

July 20, , 2004

Introduced by:

COUNCILMAN A. A. JOE SAVILLA

Adopted by Council:

August 3, , 2004

Referred to:

Planning Commission

An Ordinance to amend the Zoning Ordinance of the City of Nitro by Amending the list of permissive uses to allow "Gambling Establishment, as a permissive use in the B-1 Nitro Local or Neighborhood Business District and B-2 Nitro Central Business District.

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

The Zoning Ordinance of the City of Nitro, West Virginia, as amended, is hereby amended by adding "Gambling establishment" as a permissive use to B-1 Nitro Local or Neighborhood Business District and B-2 Nitro Central Business District.

The new provisions shall read as follows:

(1) In Article 1303.01 (b): Meaning of Words:

Add Subsection:

(14) Gambling establishment. An establishment that offers any form of gambling or games of chance that is regulated under the provisions of the Limited Video Lottery Act codified in W. Va. Code § 29-22B-101.

Re-Number the Subsequent Paragraphs under this section accordingly

(2) In ARTICLE 1321: B-1 LOCAL OR NEIGHBORHOOD BUSINESS DISTRICT

Add Subsection:

Article 1321.01:

(b) Gambling establishment

The intent of this ordinance is to provide suitable locations for gambling establishments within the City of Nitro. The following space requirements are designed to prevent the clustering of such uses which may negatively impact the



use and enjoyment of neighboring properties and to minimize adverse effects on the community in the best interests of the public health, safety and welfare.

- (1) Such uses shall not be located within 3000 feet of each other.
- (2) No gambling establishment shall be permitted within 3000 feet of any church, place of worship, library, school, or community center.


Number the preceding paragraph under this section accordingly.

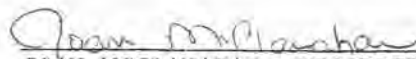
(3) In Article 1323.01: B-2 NITRO CENTRAL BUSINESS DISTRICT

(i) Gambling establishment

The intent of this ordinance is to provide suitable locations for gambling establishments within the City of Nitro. The following space requirements are designed to prevent the clustering of such uses which may negatively impact the use and enjoyment of neighboring properties and to minimize adverse effects on the community in the best interests of the public health, safety and welfare.

- (1) Such uses shall not be located within 3000 feet of each other.
- (2) No gambling establishment shall be permitted within 3000 feet of any church, place of worship, library, school, or community center.
- (4) The Table of Permissive Uses is hereby amended to conform with sections 1-3 above.
- (5) All prior ordinances, or parts of ordinance, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

  
 RUSTY CASTO, MAYOR

  
 JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

AUGUST 17, 2004

Mayor Rusty called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison.

COUNCILMAN TIM HARRISON GAVE THE INVOCATION.

KANAWHA COUNTY COMMISSIONERS HOPPY SHORES, KENT CARPER, AND DAVE HARDY LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 08-03-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THAT THE AUGUST 3, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA.

Councilwoman at Large Gertie Estep requested to amend the August 3, 2004 Council Meeting minutes. She stated that the lady who spoke sharply to her at the last Council Meeting should be identified as Debbie Jordan, wife of the Police Chief.

A VOTE WAS TAKEN TO AMMEND THE MINUTES AS STATED AND WAS PASSED UNANIMOUSLY.

AGENDA ITEM NO. 2 - MAYOR'S INTRODUCTIONS: Mayor Casto yielded the floor to Kanawha County Commissioners Hoppy Shores, Kent Carper, and Dave Hardy. They had received a letter from Mayor Casto requesting assistance for flood damage clean up. The Commissioners voted to award the City of Nitro \$50,000.00 for this clean up. A \$38,000.00 check was presented to the City as a down payment on this amount. This was followed by a warm round of applause.

Chris Amick and David Hight of the WV Department of Environmental Protection were present to take any questions concerning the former Smith Street Landfill Project.

The Nitro High School Cheerleaders performed a cheer. Cheerleader Captain Lea James requested \$2,000.00 toward uniforms. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION THAT EACH COUNCIL MEMBER DONATE THEIR \$200.00 CHECK FOR THE MONTH TO GO TOWARD CHEERLEADER UNIFORMS, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

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COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE A FUNDRAISER FOR THE CHEERLEADERS ON SEPTEMBER 10, 2004, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: City Recorder Joan McClanahan reported that Tom Brewer, Chairman of Peoples Federal Credit Union, will be awarded the August Citizen of the Month Award. He was unable to attend tonight's meeting.

Kathy Savilla stated that there will be a Spaghetti Dinner fundraiser for the Nitro Show Choir on August 27, 2004 at 5:30 pm.

Councilwoman at Large Gertie Estep recognized citizen Sherri Sutherland who was in attendance for a letter she had addressed to all council members.

AGENDA ITEM NO. 4 – REPORT SUMMER READING – LIBRARY: Karen Boggess, Librarian and Kim Ruby, Assistant Librarian were present to report on the Summer Reading Program.

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

Mayor Rusty Casto reported there will be a meeting August 19, 2004 at 9:00 am in Danny Lewis's office concerning the 39<sup>th</sup> Street East bridge that was destroyed in the spring.

AGENDA ITEM NO. 6 - TROY GIATRAS: Attotnry Giatras reported he is handling opposing an appeal of Roy Pauley and also drafting two ordinances from the last council meeting.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Mayor Casto reported there needs to be an Annexation Committee meeting. He asked Councilman A.A. "Joe" Savilla, chairman of the committee, to call a meeting. Mayor Casto also asked Councilwoman at Large Brenda Tyler to call a Recreation Committee meeting to raise money for the concrete at the pool.

Councilman Mark Goodall stated that he had citizens request him to ask the Recreation Committee if they would revisit the cost on the rental of the shelters as it is so much higher than what other surrounding cities charge.

Councilman Tim Harrison thanked the Mayor and the other parties involved for their action in starting the clean up of a house in his neighborhood.

Councilman A.A. "Joe" Savilla stated that he appreciated the letter from Sherri Sutherland.

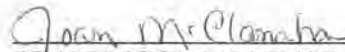


Councilwoman at Large Brenda Tyler stated that IVS Hydro, the company that cleaned out the city storm drains after the flooding, is not owned by Mark Sanders. It is owned by Greg Clark of Waverly, WV. IVS Hydro will be paid \$38,000.00 by the City for cleaning the storm drains from the grant money received from the Kanawha County Commission.

THERE BEING NO FURTHER BUSINESS THE MEETING WAS  
ADJOURNED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES  
SEPTEMBER 7, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION.

NITRO HIGH SCHOOL STUDENT ANNA KING LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 08-17-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MOVED THAT THE AUGUST 17, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: No introductions to be made.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: City Recorder Joan McClanahan introduced Ernie Boggs, September Citizen of the Month. Ernie is the son of Donald and Vera Boggs. Ernie is a resident of Nitro and has received numerous awards in the sport of jujitsu and is considered the world's leading authority in that sport. He owns and operates BCI martial arts and Personal Development Center in Nitro and has developed a program specifically for at-risk-youth. A list of his accomplishments was read followed by a round of applause.

AGENDA ITEM NO. 4 – NDA APPOINTMENTS: Mayor Casto reported that Gertie Estep was asked to be on the NDA. He stated that he understood that Brenda Tyler was stepping down. Ms. Tyler responded that from what the Mayor told her she was. COUNCILMAN BILL RACER MOVED THAT GERTIE ESTEP BE APPOINTED TO THE NDA, SECONDED BY COUNCILMAN MARK GOODALL. Councilman at Large Bill Clark said they probably need to put it out for discussion. Councilman at Large Bill Clark stated that he had received phone calls from the NDA questioning Councilwoman at Large Gertie Estep's appointment. Councilman Clark was told that they did not like Brenda Tyler stepping down; they didn't like that she was asked to step down. Mayor Casto stated that she was not asked to step down to the best of his knowledge. Councilman at Large Bill Clark said the word he got was that she was asked to step down. City Recorder Joan McClanahan asked who asked that she step down. Councilwoman Brenda Tyler stated that the Mayor asked her to step down at the end of the last Council Meeting. Councilman Clark stated that NDA members loved working with Brenda. He was told by Olaf Walker that he was very disappointed in the



appointment, that he wanted to work with Brenda. Mr. Walker told him that he wanted to work with Brenda, they were working good together, they were just starting to learn the ropes. As far as Ms. Estep joining with them; they didn't have so much problem there, but they think she's going to have her hands full just learning the ropes at City Council. They would rather Brenda stay on the NDA. Councilwoman Estep stated that she talked with Olaf Walker and he told her he was glad to see her aboard. She stated that the three of them had better get together and discuss this matter. Councilman Clark said anytime she wanted to, if you think he's lying about it, Olaf called him just the other night. Councilman A.A. "Joe" Savilla stated that he had been told the same thing by Olaf Walker. Mr. Walker told him Brenda knew the ropes, was doing a great job with the NDA, and he could not figure out why she had been asked to resign. City Recorder Joan McClanahan asked whose appointment the position was, if it was the Mayor's appointment. Mayor Casto stated it is a Council appointment. Councilman A.A. "Joe" Savilla suggested they table the motion until they can get to the bottom of it. Councilwoman at Large Gertie Estep agreed it needed to be tabled as there needed to be discussion. CITY RECORDER JOAN MCCLANAHAN MOVED TO TABLE THE APPOINTMENT OF GERTIE ESTEP TO THE NDA, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 – FIRE HYDRANTS: Mayor Casto reported that Fire Chief Ernie Hedrick and Councilwoman at Large Gertie Estep went with him to the Putnam County Commission and received a grant for \$9,000.00 to put fire hydrants in Carriage Way Subdivision.

AGENDA ITEM NO. 6 – CALENDAR BIDS: COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE CITY CALENDAR BE PUT OUT FOR BID, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 – RALPH ALLISON: Nothing to report at this time.

AGENDA ITEM NO. 8 – TROY GIATRAS: Nothing to report at this time.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Mayor Casto reported that we are getting ready for the storm. They have a pump for Frederick Street and Public Works has been cleaning out the storm drains and are on standby if there are flooding problems.

Mayor Casto yielded the floor to Anna King and Halley Smith who are members of the Nitro High School marching band. On behalf of the band Anna King requested that City Council help sponsor fundraisers the band is having for an invitational competition they are hosting.

Mayor Casto stated that the Nitro High School requested a Homecoming Parade permit. COUNCILMAN TIM HARRISON MOVED THAT A PARADE PERMIT BE GIVEN TO NITRO HIGH SCHOOL FOR THE EVENING OF FRIDAY SEPTEMBER 24, 2004, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS



CARRIED. Mayor Casto reported that they would like to have Council members on the High School parking lot between 5:30 and 5:45 that evening.

Councilman Mark Goodall suggested that the Soil Erosion Ordinance that was started with the last Council, but was tabled, be put back on the agenda.

Councilman Tim Harrison reported that in Ward III they are having a problem with trailers being parked on City Streets. There are also tractor trailer trucks parked on the streets that he has received several calls about. Councilman Harrison stated that there also needs to be a Budget Meeting. The last one was not chaired, there was no agenda, and there were no minutes. COUNCILMAN TIM HARRISON MOVED THAT A BUDGET MEETING BE SCHEDULED FOR TUESDAY SEPTEMBER 28, 2004 AT 7:30 PM, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Councilman A.A. "Joe" Savilla suggested that a letter be written to the Putnam County Commission to purchase another pump for the city of Nitro.

John Montgomery who is a resident of Brookhaven Subdivision stated that their subdivision is having a petition signed requesting a moratorium on building in their area until Brookhaven Drive can be repaired. There also needs to be certified engineering studies done.

Councilman at Large Bill Clark stated that he spoke with Attorney Giatras and they still have not received the paperwork from the Zoning Board to give the variance for the mobile home on 40<sup>th</sup> Street. Councilman Clark said that the attorney needs that information and there needs to be a motion to get that information, if we have to beat it out of them. He stated it should be in the Inspector's office, but he doesn't have it. They need to get that to the Inspector so Councilman Clark or Council can pick it up and get it to the attorney's office so we can pursue that court case.

City Recorder Joan McClanahan asked that she be informed when the meeting for the appointment to the NDA is held, as she thinks they should all be there.

There being no further business to discuss CITY RECORDER JOAN MCCLANAHAN MOVED THAT THE MEETING BE ADJOURNED AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR

  
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JOAN MCCLANAHAN, RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES  
SEPTEMBER 21, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwoman at Large Gertie Estep, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present was City Attorney Troy Giatras. Absent were City Treasurer Ralph Allison and Councilwoman at Large Brenda Tyler.

Mayor Casto requested a moment of silence in memory of Councilman Bill Racer's mother and Doctor Byrd who recently passed away.

COUNCILWOMAN AT LARGE GERTIE ESTEP GAVE THE INVOCATION.

COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF THE 09-07-04 COUNCIL MEETING MINUTES: CITY RECORDER JOAN MCCLANAHAN MOVED THAT THE SEPTEMBER 7, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Councilman at Large Bill Clark stated that the number four item on the minutes of the last council meeting was the approval of Councilwoman at Large Gertie Estep to the NDA. Councilman at Large Bill Clark said that this was discussed under Mayor's comments, not under agenda item number four. He stated that he wanted to table the approval of the minutes, he wasn't sure if they could proceed. Councilman at Large Bill Clark said it should be checked on for what it's worth. City Recorder Joan McClanahan asked the Mayor to confirm if the minutes were going to be approved tonight. Councilman at Large Bill Clark said he would rather table it till next week when they can go back and review it. Mayor Casto stated they had already voted to approve the minutes.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Casto yielded the floor to Chris Amick of Kemron. Mr. Amick introduced Rosalyn Shupe of Integral Consulting. Ms. Shupe reported on the former Smith Street Landfill. A question and answer session followed. Questions were directed to a representative from Tennessee Gas Line as well concerning the work they are doing at the river.

AGENDA ITEM NO. 3 – HALLOWEEN/HALLOWEEN PARTY: Mayor Casto stated that in the past the City has accepted the evening of Halloween as the date that the Kanawha County Commission sets down. They will probably do that next week. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ACCEPT THE KANAWHA COUNTY COMMISSION RECOMMENDATION ON HALLOWEEN, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.



Police Chief Jack Jordan reported that the Police Department will host a Safe Treat Night for the children. They will shut down 2<sup>nd</sup> Avenue between 20<sup>th</sup> Street and 21<sup>st</sup> Street on October 28, 2004 from 5:00 to 9:00 pm. There will be free hot dogs, cotton candy, popcorn, etc. Mayor Rusty Casto stated that if any members of council would like to volunteer they should call Chief Jordan.

AGENDA ITEM NO. 4 – CALENDAR: City Recorder Joan McClanahan stated that two bids were received. Councilwoman at Large Gertie Estep opened a bid from Color Craft Printing for \$5,724.00 which is the same as last year. Councilman at Large Bill Clark opened a bid from Dunbar Printing for \$5,721.00. COUNCILMAN AT LARGE BILL CLARK MOVED THAT THE CALANDER BID FROM DUNBAR PRINTING BE ACCEPTED, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

Mayor Rusty Casto stated that the third Tuesday in October he will have a photographer take council members' pictures for the 2005 calendar prior to the Council Meeting.

AGENDA ITEM NO. 5 – PLANNING COMMISSION APPOINTMENTS: City Recorder Joan McClanahan stated that City Code calls for a council member to be a member of the Planning Commission. She has held that position for a number of years, but is stepping down to allow a new member of Council the opportunity to serve. CITY RECORDER JOAN MCCLANAHAN MOVED THAT COUNCILMAN MARK GOODALL BE APPOINTED TO THE PLANNING COMMISSION, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 6 – ANIMAL CONTROL: Councilman Tim Harrison stated that Nitro City Code differs from Dunbar City Code concerning cats. Since both cities share the same Humane Officer Mr. Harrison recommended that both cities use the same Code in regard to cats. Nitro City Code only references howling cats and abuses of animals. Dunbar City Code has a section that deals with cats roaming at large. COUNCILMAN TIM HARRISON MADE A MOTION THAT CITY COUNCIL COMPARE THE TWO CITY CODES CONCERNING CATS AND ACT UPON IT AT THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 7 – RALPH ALLISON: Mr. Allison was not present, but requested that the Mayor remind council of the Budget Meeting to be held Tuesday September 28, 2004 at 7:30 pm.

AGENDA ITEM NO. 8 – TONY GIATRAS: Attorney Giatras stated that the Division of Natural Resources has thirty days to cancel the agreement with the City of Nitro concerning the clean up of the boat launch. COUNCILMAN MARK GOODALL MADE A MOTION THAT THE MAYOR SIGN THE AGREEMENT WITH THE DIVISION OF NATURAL RESOURCES, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.



Councilman Bill Clark asked Attorney Giatras if the City had signed papers for the property near Dupont Avenue that was given to the City by Olaf Walker. Councilman at Large Bill Clark stated that council needs to readdress that issue because the City will take on a huge liability with that property. Also, Councilman at Large Bill Clark asked for any new information on the legality of the trailer that was put in on 40<sup>th</sup> Street. He said the subject would be brought up at the next Council Meeting.

Councilman Bill Racer questioned the status of the payment for the slip on 10<sup>th</sup> Street, and the Mayor replied that the Attorney and the Building Inspector will get together and send Statewide Services a bill.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Councilman A.A. "Joe" Savilla read a resolution designating the members of the Kanawha County Commission as honorary citizens of Nitro. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE MAYOR SIGN THE RESOLUTION CONCERNING THE MEMBERS OF THE KANAWHA COUNTY COMMISSION, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.  
RESOLUTION 04-04 ATTACHED


Mayor Casto reminded Council that Friday September 24, 2004 is the Homecoming Parade. All council members should be at the High School parking lot between 5:15 and 5:30 pm.

Mayor Casto reported that Mr. Small with Maximus was visiting from Knoxville and had emergency surgery last night for a detached retina. Mayor Casto also stated that last weekend the veterans who came in from Dewey Mann's WWII Division were very impressed with the hospitality of the City. They took part in a picnic at the park, a couple of dinners, and a memorial service at the church.

Councilman Mark Goodall thanked Council for appointing him to the Planning Commission.

Councilman at Large Bill Clark reported that Councilwoman at Large Brenda Tyler was unable to attend the Council Meeting, but requested a meeting of the Recreation Committee on September 28, 2004 at 7:00 pm at Council Chambers.

There being no further business to discuss COUNCILMAN TIM HARRISON MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR

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

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CITY OF NITRO  
COUNCIL MEETING MINUTES

OCTOBER 5, 2004

Prior to commencement of the meeting there was a dispute concerning seating of council members. Councilman Tim Harrison stated he had the floor and he compelled the Mayor to make the members of council sit at the appropriate place or have the Sergeant of Arms remove any unruly members that will not go along with this. Mayor Casto stated that Councilman Tim Harrison did not have the floor as they did not have the Invocation. Mayor Casto asked Councilman Harrison to restrain himself and he would call on him after the Invocation and Pledge of Allegiance. Councilwoman at Large Brenda Tyler chose not to take her seat at the council table due to the fact that the name plate at her seat had Councilwoman at Large Gertie Estep's name on it.

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, and Tim Harrison. Also present was City Treasurer Ralph Allison and legal counsel Mark French who sit in for City Attorney Troy Giatras. Absent were Councilman Mark Goodall and City Attorney Troy Giatras.

Mayor Casto asked for a moment of silence in memory of Ralph Casto who passed away since the last council meeting. Mr. Casto was the father of Bryan Casto who is the Building Inspector for the City.

NITRO RESIDENT BOBBY SMITH GAVE THE INVOCATION.

MAYOR RUSTY CASTO LED THE PLEDGE OF ALLEGIANCE.

Councilman at Large Bill Clark stated that he agreed with Councilman Harrison. Councilman Clark said they need to take care of the seating situation before they proceed. Mayor Casto told Councilman Clark that he should have called and got on the agenda.

AGENDA ITEM NO. 1 – APPROVAL OF 9-21-04 COUNCIL MEETING MINUTES; COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION THAT THE SEPTEMBER 21, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN.

City Recorder Joan McClanahan stated that under Agenda Item No. 5 it was stated that Olaf Walker made a donation of property. This was incorrect. The minutes should read that George Davis made the donation. Mayor Casto noted the friendly correction to the minutes and they were carried unanimously.



AGENDA ITEM NO. 2 – MAYOR’S INTRODUCTIONS: Mayor Casto yielded the floor to John Montgomery, a resident of Brookhaven Subdivision. Mr. Montgomery stated that there are problems in the subdivision relative to possible construction and development of the area. A petition signed by 38 residents was presented to Council that asked for a moratorium on the development of an area at the far end of Brookhaven Subdivision until the streets of Brookhaven are repaired to the extent they can take all of the construction equipment and heavy materials and any area in the subdivision where there is going to be new construction that there be an engineer qualified as someone who can sign a certification that we will not have the land moving such as mud slides. Mr. Montgomery discussed concerns the citizens have relative to new construction. Councilman A. A. “Joe” Savilla questioned legal counsel if we could impose a temporary moratorium on building until we can check out what the City can do. Mark French, sitting in for Troy Giatras, said he would come back at the next Council Meeting and address Council on this matter. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION FOR A TEMPORARY MORATORIUM ON DEVELOPMENT OF BROOKHAVEN SUBDIVISION AND ADJACENT TO BROOKHAVEN SUBDIVISION PENDING RESEARCH OF THE LEGALITY OF THE ISSUES, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mayor Rusty Casto stated that Eugene Boothe will be the Citizen of the Month. Mr. Boothe is handicapped and was unable to attend the meeting.

Mayor Casto opened the floor to address the seating issue that took place prior to commencement of the Council Meeting. Councilman Tim Harrison stated that there has been disorder in the Council Chambers. Councilman Harrison requested that the Mayor order the assembly to sit in their designated seats with nameplates. Mayor Casto stated that last week someone came into Council Chambers and glued the nameplates on without his knowledge. Mayor Casto asked Police Chief Jack Jordan to investigate the situation. Mayor Casto stated that once it is determined who glued the nameplates that person will be given three days off. Mayor Casto said the seating problem needs to go to the committee as a whole and the Council can decide the seating arrangement. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION THAT THE COUNCIL SEATING BE ARRANGED WITH THE SENORITY COUNCIL PERSON SEATED CLOSEST TO THE MAYOR AND WORK THE WAY BACK WITH WARD I, WARD II, WARD III, AND WARD IV, SECONDED BY COUNCILMAN A.A. “JOE” SAVILLA. VOTING IN FAVOR WERE COUNCILMAN A.A. “JOE” SAVILLA, COUNCILMAN TIM HARRISON, COUNCILMAN AT LARGE BILL CLARK, AND COUNCILWOMAN AT LARGE BRENDA TYLER. OPPOSED WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP, COUNCILMAN BILL RACER, AND MAYOR RUSTY CASTO. Mayor Casto stated the vote was a tie so seating would remain the same. Councilwoman at Large Brenda Tyler stated that only in a tie was the Mayor allowed to vote. Mayor Rusty Casto disputed this fact and said they would check it out for the next meeting.

AGENDA ITEM NO. 3 – GAS LINE: Dan Atkins, a representative for the subcontractor doing the work for Tennessee Gas line was available to answer any



questions. Mr. Joe Norris, with the Pipeline Workers of America, addressed Council concerning the work being done for Tennessee Gas Line. There were a number of area residents in attendance.

AGENDA ITEM NO. 4 – RALPH ALLISON: Nothing to report.

AGENDA ITEM NO. 5 – TROY GIATRAS: Mark French sat in for Attorney Giatras. Mr. French stated that there is no ongoing litigation or new action to report.

AGENDA ITEM NO. 6 – MAYOR'S COMMENTS: Councilman Bill Racer asked if speed bumps could be placed on public streets. Residents in his Ward are concerned for the safety of a deaf child that lives on one of their streets. Mayor Rusty Casto said they would check into the legality of putting in the speed bumps.

Councilman at Large Bill Clark stated he had consulted with an attorney concerning being able to speak at a Council meeting and also regarding making a motion. According to Councilman at Large Bill Clark a motion can only be made on items listed on the agenda. Councilman Clark stated that if the item is not on the agenda and you decide to make a comment, you can't start discussing things that need a motion to be made to bring up to the floor. Councilman at Large Clark stated that at the July 1, 2004 Council Meeting the City Recorder made several motions which she addressed under Mayor's comments. She made a motion that they go into Executive Session to discuss issues that were not dire emergencies. A motion was made in regular session that was not on the agenda. Councilman Clark said his attorney is willing to represent them if they cannot go back and readdress those issues from the July 1, 2004 meeting. He wanted to make sure that was on the agenda for two weeks from now. Councilman Clark stated they would readdress things under the comments that were voted on and passed under the July 1, 2004 meeting.

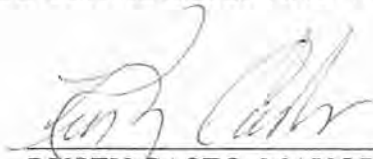
City Recorder Joan McClanahan commented that regarding readdressing issues in two weeks about movements and authorizing expenditures and various things; she has picked out at least a dozen times where motions have been made in the past that were not on the agenda. She stated that she could find many more situations where it was done so it is obviously legal as it was done before. City Recorder Joan McClanahan said if it's not legal then they need to go back and change everything.

Councilman Tim Harrison recognized Rodney Dunn and thanked him for the job he has done the last few weeks as the Animal Control Officer.

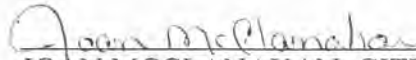
Mayor Casto stated that at the next Council meeting he is going to ask Council to approve a City Auction of excess vehicles that Department Heads have. The proceeds will be donated to the Swimming Pool Fund.

Tina McCallister, Director of the Christmas for Kids Program, made a presentation and passed out information to Council members.

There being no further business to discuss CITY RECORDER JOAN MCCLANAHAN MOVED THAT THE MEETING BE ADJOURNED, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, CITY RECORDER

**PETITION  
TO THE CITY COUNCIL,  
NITRO, WEST VIRGINIA  
AND  
NITRO PLANNING COMMISSION,  
NITRO, WEST VIRGINIA**

WE, the undersigned residents of the Brookhaven Subdivision of the City of Nitro, West Virginia, do hereby state that:

WHEREAS, There is only one entrance/exit for Brookhaven Subdivision; and

WHEREAS, The only street leading from the entryway to the other streets in Brookhaven Subdivision is Brookhaven Drive; and

WHEREAS, The streets of Brookhaven Subdivision are in a serious state of disrepair and in some areas actually falling-in; and

WHEREAS, The compacted dirt and other fill under the streets of Brookhaven Subdivision has in many areas, and most specifically Brookhaven Drive, washed away as a result of storm water moving under the said streets; and

WHEREAS, The lines of the sanitary sewer system serving Brookhaven Subdivision are located under the streets of Brookhaven Subdivision; and

WHEREAS, The lines of the sanitary water system serving Brookhaven Subdivision are located under the streets of Brookhaven Subdivision; and

WHEREAS, A portion of the lines of the storm water drainage system serving Brookhaven Subdivision are located under the streets of Brookhaven Subdivision; and

WHEREAS, A Steve Combs seeks to sell lots at the end of Brookhaven Drive for the construction of many new homes; and

WHEREAS, There is great concern among the residents of Brookhaven Subdivision that Brookhaven Drive will be greatly damaged and possibly destroyed by the movement of cement trucks and other large and heavy vehicles hauling construction materials; and

WHEREAS, Damage to Brookhaven Drive will have a detrimental effect on the property value of each and every residence in Brookhaven Subdivision; and

WHEREAS, Damage to Brookhaven Drive may very well prevent emergency vehicles from responding to fires, accidents and illnesses occurring in Brookhaven Subdivision; and



WHEREAS, Damage to Brookhaven Drive may very well result in substantial damage to the sanitary water system, the sanitary sewer system and the storm water drainage system serving Brookhaven Subdivision; and

WHEREAS, Damage to the sanitary water system, the sanitary sewer system and the storm water drainage system serving Brookhaven Subdivision will detrimentally affect the health and well being of the residents of Brookhaven Subdivision; and

WHEREAS, Some homes adjacent to Brookhaven Drive have already been damaged by land slippage; and

WHEREAS, There is substantial concern that the probability of land slippage will greatly increase when trees, ground cover and other vegetation is removed when development commences;

WE NOW, THEREFORE, do hereby petition the City Council of the City of Nitro, West Virginia and the Nitro Planning Commission, Nitro, West Virginia to enact a moratorium that prohibits construction of residential structures on undeveloped property located within Brookhaven Subdivision until both of the following occur:

- (1) Brookhaven Drive is repaired to a level that it will not be damaged or destroyed by the vehicles transporting construction materials and earth moving equipment to the construction sites; and
- (2) An engineering study is completed that clearly demonstrates that land at or immediately surrounding the construction sites will not slip or move subsequent to the removal of trees, ground cover and other vegetation: Provided, That the engineering study is certified by a professional engineer licensed in the State of West Virginia to perform such studies.

Dated this 25<sup>TH</sup> day of SEPTEMBER, 2004.

NAME

ADDRESS

TELEPHONE NO.

NAME	ADDRESS	TELEPHONE NO.
RALPH & JANET HOLMES	936 BROOKHAVEN DR	776-7380
Richard & Vicki Green	219 BROOKHAVEN DR	776-6171
John Montgomery	214 Brookhaven Dr	776-6458
CARLOS & CAROLYN JACKSON	102 BRENTWOOD	776-1234
Robert & Joyce Fisher	109-BROOKHAVEN DR.	776-4273
SPED? Carol Bowen	231 Brookhaven Dr.	776-2540
Harvey & Dee Wegert	107 Brookhaven Cir.	776-1471
George & Catherine	110 Brookhaven Dr.	776-1518
Mary C. Coughlin	110 Brookhaven Dr.	776-1518
John R. [unclear]	235 BROOKHAVEN DR.	776-1705
John R. [unclear]	228 BROOKHAVEN DR.	776-2035
Walter J. [unclear]	228 Brookhaven Dr.	776-2035
Bob [unclear]	207 Brookhaven Dr.	776-7332
Harold & [unclear]	229 Brookhaven Dr.	776-6376
Sharon Skiles	222 Brookhaven Dr.	776-7527
(Gerry) Skiles	222 Brookhaven Dr.	776-7527
Patricia [unclear]	305 Rockledge Cr.	776-7371
Richard W. [unclear]	305 Rockledge Cir.	776-7371
Charles & [unclear]	5 Woodway Cir.	776-4194
Paul [unclear]	225 Brookhaven Dr.	776-3225
Kim Smith	225 Brookhaven Dr.	776-3225
Eleanor [unclear]	223 Brookhaven Dr.	776-1594
Rose [unclear]	227 Brookhaven Dr.	776-7332
Cindy [unclear]	221 Brookhaven	776-5585
Barbara C. Smith	235 Brookhaven Dr.	776-1723
Jack [unclear]	116 Brookhaven Cir.	776-660X
William [unclear]	116 Brookhaven	776-4604
John & [unclear]	201 Brookhaven	776-7166
Marge & [unclear]		
James [unclear]	18 Barrington Lane	776-0984
Marion [unclear]	105 BROOKHAVEN Cr.	776-2383
Frank [unclear]	234 Brookhaven Dr.	776-6650
Beverly [unclear]	234 Brookhaven Dr.	776-6650
Anthony [unclear]	234 Brookhaven Dr.	776-6650
Kelly [unclear]	233 Brookhaven Dr.	850-570-1765
Todd [unclear]	233 Brookhaven Dr.	850-570-1837
Martin [unclear]	209 Brookhaven Dr.	776-3269
Nancy J. Montgomery	214 Brookhaven Dr.	776-6458



CITY OF NITRO  
COUNCIL MEETING MINUTES

OCTOBER 19, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Treasurer Ralph Allison and Attorney Mark French. Absent was City Attorney Troy Giatras.

IVAN MEADOWS GAVE THE INVOCATION.

JIM RIFFLE LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 10-05-04 COUNCIL MEETING MINUTES: CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT THE OCTOBER 5, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED. Councilman Mark Goodall abstained.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Councilwoman at Large Brenda Tyler introduced Keith Gwinn with the John Kerry campaign. Mr. Gwinn addressed Council.

AGENDA ITEM NO. 3 – GAS LINE: Mayor Casto yielded the floor to Dan Atkins with Tennessee Gas Pipeline. Mr. Atkins gave an update on their construction project at the end of Smith Street. All work should be completed by Saturday October 30, 2004. There will be an Appreciation Event scheduled for that same day to include food and drink.

AGENDA ITEM NO. 4 – CHANGE NOVEMBER 2 COUNCIL MEETING DATE: Mayor Rusty Casto reported that the next scheduled Council Meeting is on Election Day. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT THE NOVEMBER COUNCIL MEETINGS BE SCHEDULED FOR MONDAY NOVEMBER 1, 2004 AND TUESDAY NOVEMBER 16, 2004, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 5 – DELINQUENT MUNICIPAL SERVICE FEES: City Treasurer Ralph Allison reported on the status of the delinquent Municipal Service Fees. Mr. Allison stated that nearly twenty-four percent of the accounts are delinquent. Council discussed ways to remedy this situation. Mr. Allison stated that the City Attorney agreed to draw up a stronger Ordinance concerning delinquent accounts.



AGENDA ITEM NO. 6 – RALPH ALLISON: Mr. Allison reported that he is going to meet with a representative from Workers' Compensation to discuss ways to lower claims and save money.

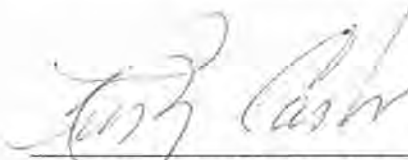
AGENDA ITEM NO. 7 – TROY GIATRAS: Attorney Mark French stood in for City Attorney Troy Giatras who was unable to attend. Mr. French reported on recent filings and actions. He also reported on the standing of placing a moratorium on construction in Brookhaven Subdivision. Discussion concerning the condition of the roads and properties in Brookhaven was made. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO CHANGE THE WORDING ON THE TEMPORARY MORATORIUM FOR NEW CONSTRUCTION IN BROOKHAVEN SUBDIVISION, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Casto stated that October 28, 2004 from 6:00 to 9:00 pm will be the City Halloween party at the Police Department parking lot. Volunteers are welcome. Mayor Casto reported that October 28 is also the first day that Metro Communications will tie the City in with the County.

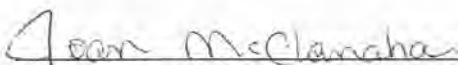
Councilman Mark Goodall reported that Council needs to address the proposed Erosion Ordinance that was tabled at a prior Council Meeting. Councilman Goodall also discussed concerns a property owner had regarding drainage issues.

Councilman Bill Racer inquired whether the City would collect the money for cleaning out the storm sewer on Second Avenue. Councilman Racer yielded the floor to the resident at 1009 Tenth Street who discussed problems he is having with mud.

There being no further business to discuss CITY RECORDER JOAN MCCLANAHAN MOVED THAT THE MEETING BE ADJOURNED AND WAS CARRIED.



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RUSTY CASTO, MAYOR



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JOAN MCCLANAHAN, CITY RECORDER

CITY OF NITRO  
COUNCIL MEETING MINUTES

NOVEMBER 1, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Treasurer Ralph Allison and City Attorney Troy Giatras.

TODD RAYNES GAVE THE INVOCATION.

ROCK BRANCH CUB SCOUT TROOP 316 LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 10-19-04 COUNCIL MEETING MINUTES: COUNCIL WOMAN AT LARGE GERTIE ESTEP MOVED TO APPROVE THE OCTOBER 19, 2004 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Mayor Rusty Casto announced that Joey Scarberry, Pastor of WV Home Mission Church, and his family are the Citizens of the Month. They will be presented the award Sunday, November 7, at 10:00 am at the church.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTIONS: No candidates were present to introduce.

AGENDA ITEM NO. 4 – SMITH STREET FENCING: Councilman at Large Bill Clark reported that they met with Kemron and the Department of Environmental Protection last Thursday and were told it was imperative that the fence be installed there before winter. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION THAT THE FENCE FOR SMITH STREET LANDFILL BE PUT OUT FOR BID ACCORDING TO KEMRON SPECIFICATIONS, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 5 – SENIOR CITIZENS: Councilwoman at Large Brenda Tyler stated she had not had a chance to speak with the officers for the Senior Citizens concerning fund raising ideas so she has nothing to report at this time. Councilwoman at Large Gertie Estep reported that the Senior Citizens have some fundraisers planned for the Senior Citizen Center.

AGENDA ITEM NO. 6 – RALPH ALLISON: Nothing to report at this time.



AGENDA ITEM NO. 7 – TROY GIATRAS: City Attorney Troy Giatras gave an update on litigations that are pending. Discussion was made concerning the moratorium on construction at Brookhaven Subdivision. Attorney Giatras stated he will draw up several wordings for the moratorium and will present them at the next council meeting.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Councilman Mark Goodall reported that November 2, 2004 will be his 19<sup>th</sup> wedding anniversary.

Councilman Tim Harrison expressed sympathy to the residents whose dog was killed due to a driving accident while work was being done on Tennessee Gas Pipeline.

Councilman Bill Racer stated that residents were concerned with traffic speeding on 19<sup>th</sup> Street on the weekends and questioned whether or not speed bumps could be put on the street. Mayor Casto questioned Attorney Giatras concerning the legality of installing speed bumps on public streets. City Recorder Joan McClanahan stated that she spoke with the Public Works Director for the City of South Charleston concerning the speed bumps and he stated they have them and they are legal. Their Council votes on each one being installed on an as needed basis.

Councilwoman at Large Gertie Estep encouraged everyone to go out and vote.

Councilman at Large Bill Clark yielded the floor to Doug Stewart. Mr. Stewart, son of Dr. John Stewart, asked for support from the City of Nitro for a 10K Race to take place around Valentine's Day. The race will take place through city streets and the entry fee would be a donation of a coat or a couple cases of non perishable food items to be donated to church pantries.

Councilwoman at Large Brenda Tyler reported that the Safe Night Out sponsored by the Police and Fire Departments was a huge success. Councilwoman at Large Tyler stated that everything for the event was donated. She expressed her appreciation to the volunteers for all their help and local businesses for their donations. The volunteers present received a big round of applause.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR A VETERAN'S DAY PARADE TO BE HELD ON NOVEMBER 13, 2004 AT 11:00 AM, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION FOR THE CHRISTMAS PARADE TO TAKE PLACE ON DECEMBER 4, 2004 AT 6:00 PM, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

City Recorder Joan McClanahan suggested that due to the success of this year's City Halloween Party they might want to consider next year focusing on the City Party rather than having Trick or Treat door to door. Residents could donate the candy they would normally pass out for the event and the children would all be in a safe place.



AGENDA ITEM NO. 7 – TROY GIATRAS: City Attorney Troy Giatras gave an update on litigations that are pending. Discussion was made concerning the moratorium on construction at Brookhaven Subdivision. Attorney Giatras stated he will draw up several wordings for the moratorium and will present them at the next council meeting.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Councilman Mark Goodall reported that November 2, 2004 will be his 19<sup>th</sup> wedding anniversary.

Councilman Tim Harrison expressed sympathy to the residents whose dog was killed due to a driving accident while work was being done on Tennessee Gas Pipeline.

Councilman Bill Racer stated that residents were concerned with traffic speeding on 19<sup>th</sup> Street on the weekends and questioned whether or not speed bumps could be put on the street. Mayor Casto questioned Attorney Giatras concerning the legality of installing speed bumps on public streets. City Recorder Joan McClanahan stated that she spoke with the Public Works Director for the City of South Charleston concerning the speed bumps and he stated they have them and they are legal. Their Council votes on each one being installed on an as needed basis.

Councilwoman at Large Gertie Estep encouraged everyone to go out and vote.

Councilman at Large Bill Clark yielded the floor to Doug Stewart. Mr. Stewart, son of Dr. John Stewart, asked for support from the City of Nitro for a 10K Race to take place around Valentine's Day. The race will take place through city streets and the entry fee would be a donation of a coat or a couple cases of non perishable food items to be donated to church pantries.

Councilwoman at Large Brenda Tyler reported that the Safe Night Out sponsored by the Police and Fire Departments was a huge success. Councilwoman at Large Tyler stated that everything for the event was donated. She expressed her appreciation to the volunteers for all their help and local businesses for their donations. The volunteers present received a big round of applause.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR A VETERAN'S DAY PARADE TO BE HELD ON NOVEMBER 13, 2004 AT 11:00 AM, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

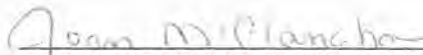
CITY RECORDER JOAN MCCLANAHAN MADE A MOTION FOR THE CHRISTMAS PARADE TO TAKE PLACE ON DECEMBER 4, 2004 AT 6:00 PM, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

City Recorder Joan McClanahan suggested that due to the success of this year's City Halloween Party they might want to consider next year focusing on the City Party rather than having Trick or Treat door to door. Residents could donate the candy they would normally pass out for the event and the children would all be in a safe place.

There being no further business to discuss CITY RECORDER JOAN MCCLANAHAN MOVED THAT THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

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

RUSTY CASTO, MAYOR

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

JOAN MCCLANAHAN, RECORDER



CITY OF NITRO  
COUNCIL MEETING MINUTES  
NOVEMBER 16, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison.

COUNCILMAN A.A. "JOE" SAVILLA GAVE THE INVOCATION.

COUNCILMAN MARK GOODALL LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 11-01-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MOVED THAT THE NOVEMBER 1, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 2 – BID OPENING – FENCE: City Recorder Joan McClanahan reported there were 2 bids received for the fence around the former Smith Street Landfill. Councilman at Large Bill Clark read the bid from All Quality, LLC for the amount of \$39,772.00. Councilwoman at Large Brenda Tyler read the bid from McNeil Fence Company for the amount of \$24,337.80. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT THE FENCE BIDS BE REFERRED TO TREASURER RALPH ALLISON AND HIS COMMITTEE TO REVIEW AND BRING BACK TO COUNCIL, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 3 – ANTIQUE FAIR DAY REPORT: City Recorder Joan McClanahan reported that Friday May 20 and Saturday May 21, 2005 are the dates for the Antique Fair. Mr. Fortune will have an Antique Car Cruise In on Friday night. They are going to try to have more activities for children to enjoy.

AGENDA ITEM NO. 4 – CITY CHRISTMAS PARADE: Councilman A.A. "Joe" Savilla reported that the City Christmas Parade has been set for December 4, 2004. He stated that if the Nitro Football Team advances to the State Championship they will be playing in Wheeling that day and therefore they may want to change the date for the parade. Mayor Casto stated that they will postpone the parade by one week to December 11, 2004 in the event the football team is playing on December 4<sup>th</sup>.

AGENDA ITEM NO. 5 – CITY SURPLUS SALE: Councilwoman at Large Brenda Tyler stated that there are old trucks and equipment that the City has in surplus. She suggested there be a sale of these items and proceeds be used to finish replacing the cement work at the pool. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO WRITE AN ORDINANCE FOR SALE OF SURPLUS CITY



EQUIPMENT AND TRUCKS, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

Councilwoman at Large Brenda Tyler thanked Councilman Tim Harrison for doing a fantastic job on the Veteran's Parade. Ms. Tyler also stated that the plaques are on the memorial wall at the Children's Park.

Councilwoman at Large Brenda Tyler yielded the floor to Wayne Fleshman of Somewhere in Time Antique Mall. Mr. Fleshman proposed that all city yard sales, antique sales, and collectible sales take place Memorial Day weekend. He referred to Hillsville, Va which is a small town that once a year on Labor Day weekend draws 350,000 to 400,000 people having these types of sales. Streets and businesses would not be blocked and the City could rent space to vendors. Mr. Fleshman stated there will need to be advertisement for this event. City Recorder Joan McClanahan questioned having this event take place the weekend following the scheduled Antique Fair. Councilman at Large Bill Clark suggested having the two events be combined on the same weekend.

AGENDA ITEM NO. 6 – RALPH ALLISON: City Treasurer Ralph Allison gave an update on the status of collecting of delinquent Municipal Service Fees. Mr. Allison also stated that the City received a letter on October 18, 2004 from their liability insurance carrier stating that the insurance company is implementing a Loss Control Standards of Participation that will go into effect July 1, 2005. The City is requested to do numerous things and if these requests are implemented by the time the program goes into effect the City will receive a six percent credit on their bill. If the requests are not done the City will receive a fifteen percent surcharge. This surcharge would cost the City around \$37,000.00 a year. Mr. Allison listed the various requests set forth by the insurance carrier including a Safety Director.

AGENDA ITEM NO. 7 – TROY GIATRAS: Attorney Giatras presented drafts for the ordinance on the building moratorium at Brookhaven subdivision and the ordinance concerning cats. Mr. Giatras also reported on concerns Columbia Gas has concerning an easement in the City. Columbia Gas intends to sell the gas line, but have discovered that the City owns the property the pipeline is on. Attorney Giatras suggested the City maintain ownership of the property and grant an easement to Columbia Gas.

Attorney Giatras stated that he is in communication with the legal counsel for a city business that wants to be grandfathered in for video lottery machines.

Mayor Casto asked Attorney Giatras if he was able to find any information on speed bumps. Mr. Giatras stated they could not find any concrete information that prohibits installing speed bumps on City streets.

Steve Combs addressed Council. Mr. Combs owns land at Brookhaven Subdivision that he would like to develop. He questioned that if he developed the land by coming in from the Asbury Road side, addressed the water run off, and had the Engineering Firm determine there were no problems with slippage if there were any other

issues that would stop them from building in the Brookhaven Subdivision. Councilman A.A. "Joe" Savilla stated those were the main issues. Mayor Casto said it would be presented to the City Attorney.

Councilman Mark Goodall asked Attorney Giatras what the standing was on the Erosion Ordinance. Attorney Giatras stated he would work on it.

Councilman A.A. "Joe" Savilla asked Attorney Giatras to further explain the situation with the Columbia Gas pipeline.

AGENDA ITEM NO. 8 - MAYOR'S COMMENTS: Mayor Casto requested he receive all dates for the City Calendar by November 22 or 23<sup>rd</sup> at the latest.


Councilman Mark Goodall stated that R&J Recycling is tracking a lot of dirt on Route 25. This needs to be addressed as it is a safety hazard.

Councilman Tim Harrison thanked everyone who took part in the Veteran's Parade.

Councilwoman at Large Gertie Estep stated she had received complaints concerning large holes in the road on Cleveland Avenue. She spoke with AJ Hill, Director of Public Works and he was going to take care of the problem. Councilwoman at Large Estep also received complaints concerning eight dogs living in a house that make a large mess in the yard. She did not know if there was an ordinance concerning dogs. Mayor Casto stated there is an ordinance if it is a health issue.

A concerned citizen stated that there are several decaying trees on 40<sup>th</sup> Street that could potentially fall on a vehicle. Councilman A.A. "Joe" Savilla stated that road is maintained by the State. Councilman at Large Bill Clark stated these trees may be on private property and be the homeowner's responsibility. Councilman at Large Clark said he would speak with Bryan Casto, Building Inspector about this.

There being no further business to discuss COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

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

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



CITY OF NITRO  
COUNCIL MEETING MINUTES  
DECEMBER 7, 2004

Mayor Rusty Casto welcomed everyone and called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison.

Mayor Casto reported that Eddy Tudor, an employee of Public Works and Ivan Meadows Mother-In-Law which is also Chief Hedrick's wife. Sherry, Grandmother passed away and her funeral was today.

COUNCILMAN TIM HARRISON GAVE THE INVOCATION.

COUNCILMAN MARK GOODALL LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 11-16-04 COUNCIL MEETING MINUTES: CITY RECORDER JOAN MCCLANAHAN MOVED THAT THE NOVEMBER 16, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Councilwoman at Large Brenda Tyler stated that a representative from the Coca Cola Company was unable to attend tonight's meeting. They asked that she inform Council of an agreement between Coca Cola and WalMart Corporation to raise funds for the Recreation Program, basically the playground. Their goal is to raise \$300,000.00. The representative from Coca Cola will attend the next Council Meeting to explain their plans.

Mayor Rusty Casto yielded the floor to Maureen Miller. Ms. Miller stated that Nitro Elementary will be hosting a Celebrate America event on February 19, 2005. There will be a dinner with entertainment provided by the children. Ms. Miller asked Council for a donation in the amount of \$300.00 to cover the cost of the meat for the dinner. COUNCILMAN A.A. "JOE" SAVILLA MOVED TO HAVE THE CITY DONATE \$300.00 TO COVER THE EXPENSE OF THE MEAT FOR THE CELEBRATE AMERICA EVENT, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. COUNCILWOMAN AT LARGE GERTIE ESTEP ABSTAINED.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: Mayor Rusty Casto reported that the Nitro Show Choir requested that their pianist Linda McCallister be awarded Citizen of the Month. She will be presented this award at the next Council Meeting.



AGENDA ITEM NO. 4 – FIREMENS PENSION EXPENDITURE BUDGET: City Treasurer Ralph Allison reported that it is a requirement to report on the Firemens Pension Expenditure Budget. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED TO ACCEPT THE FIREMENS PENSION EXPENDITURE REPORT, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

COPY OF FIREMEN'S PENSION ESTIMATED EXPENDITURE BUDGET ATTACHED.

AGENDA ITEM NO. 5 – BROOKHAVEN: City Attorney Troy Giatras presented a moratorium on any additional building at Brookhaven Subdivision until certain requirements are met. Questions from the audience were addressed. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE MORATORIUM ON ADDITIONAL BUILDING AT BROOKHAVEN SUBDIVISION BE ACCEPTED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. John Montgomery explained that when we have big storms, there is water coming right down that street, and if Mr. Combs stripes off the property as he proposes, it will increase the amount of water coming down through there. The water will get worse. Councilman A. A. "Joe" Savilla advised that we requested an engineers report, but haven't received it. He said we are not trying to prevent development but the storm sewers now cannot handle the run-off. We have got to prevent anymore damage.

AGENDA ITEM NO. 6 – NITRO ELEMENTARY: This item was addressed under Mayor's Introductions.

AGENDA ITEM NO. 7 – PLANNING COMMISSION APPOINTMENTS: City Recorder Joan McClanahan stated she had received recommendations by other Council members and the Mayor to fill vacancies on the Planning Commission. City Recorder Joan McClanahan nominated Tom Waldorf of West 14<sup>th</sup> Street, Victor Canterbury of Michigan Avenue, and Rick Frontz of Hillside Drive. CITY RECORDER JOAN MCCLANAHAN MOVED THE THESE GENTLEMEN BE APPOINTED TO THE PLANNING COMMISSION, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP. Councilman A. A. "Joe" Savilla said he had a candidate he would like to see on the Commission. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO TABLE THE APPOINTMENTS TO THE PLANNING COMMISSION UNTIL THERE COULD BE A CHECK OF THEIR QUALIFICATIONS, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN AND COUNCILMAN MARK GOODALL OPPOSING.

AGENDA ITEM NO. 8 – INVESTIGATION REPORT: City Recorder Joan McClanahan stated that on July 6, 2004 Captain Javins announced that there would be an investigation into a possible violation of an Open Meeting Law. Captain Javins stated that their investigation was completed and the findings were turned in to the Kanawha County Prosecutor's Office. The Kanawha County Prosecutor's Attorney stated that it is

not an issue and the Nitro Police Department investigation is complete. A heated discussion followed.

COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THAT THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK. THOSE VOTING IN FAVOR WERE COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMEN A.A. "JOE" SAVILLA AND TIM HARRISON. THOSE OPPOSING WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP, COUNCILMEN MARK GOODALL AND BILL RACER. THE MOTION DID NOT PASS AND THE MEETING STAYED IN SESSION.

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

AGENDA ITEM NO. 10 – TROY GIATRAS: City Attorney Troy Giatras presented various new Ordinances to City Council. COUNCILMAN A.A. "JOE" SAVILLA MOVED THE ORDINANCES BE READ BY TITLE ONLY, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

Attorney Troy Giatras read the Ordinances by title only.

"AN ORDINANCE TO ESTABLISH REGULATIONS FOR GRADING TO CONTROL EROSION OF SOIL".

COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE SOIL EROSION ORDINANCE BE ACCEPTED ON THE FIRST READING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

"AN ORDINANCE TO AMEND, APPEND, AND MODIFY THE ANIMAL AND FOWL ORDINANCE ARTICLE 505 OF THE ORDINANCES BY THE CITY OF NITRO, WEST VIRGINIA".

COUNCILMAN TIM HARRISON MOVED THAT THE ANIMAL ORDINANCE BE ACCEPTED ON THE FIRST READING, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

"AN ORDINANCE THAT WILL ALLOW THE CITY TO HAVE THE RIGHT-OF-WAY AGREEMENT AND CORRECTIVE EASEMENT WITH RESPECT TO COLUMBIA GAS".

Councilman at Large Bill Clark suggested we give Columbia Gas the right-of-way to maintain and operate, fix and correct their line in case something would happen and attach a fee. We need to find out how much gas is run through it.

COUNCILMAN AT LARGE BILL CLARK MOVED THAT THE COLUMBIA GAS TRANSMISSION ORDINANCE BE ACCEPTED AS FIRST READING WITH



THE CITY CHECKING INTO CHARGING COLUMBIA GAS TRANSMISSION A MINIMAL AMOUNT, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

Mayor Rusty Casto asked Attorney Giatras how specific the City had to be on the surplus items they are wanting to auction. Mr. Giatras said some items could be listed by lots. Mayor Casto asked Attorney Giatras to write up an Ordinance for the surplus auction leaving room for attachments.

Mayor Rusty Casto yielded the floor to City Recorder Joan McClanahan concerning the donation of property at Hickory, Dupont, and Gum. Mayor Casto stated that the deed for this property needs to be recorded. Recorder Joan McClanahan stated that Council voted to accept the donation of property and she would research the Council Meeting Minutes and fax the approval to Attorney Giatras.

Councilwoman at Large Gertie Estep suggested putting a playground on this property.

Attorney Troy Giatras reported that he is meeting with Councilman Bill Racer next week concerning the Insurance Policy and Safety Director. Councilman Mark Goodall will be meeting with them as well.

AGENDA ITEM NO. 11: MAYOR'S COMMENTS: Councilman Mark Goodall acknowledged that today is Pearl Harbor Day and asked that everyone remember the Armed Forces especially those who are overseas now.

Councilman Tim Harrison asked Attorney Giatras if he was at liberty to tell them which business wanted to be grandfathered in on Video Lotteries. Attorney Giatras stated that he was not given the business's name by their attorney. City Recorder Joan McClanahan asked Attorney Giatras if this one ended tonight. Attorney Giatras responded it was his understanding as we received a telephone call from the lawyer that was hired by the person regarding the grandfathered in on video lotteries. He said he requested they provide him legal basis as to why they felt they should be entitled to a permit. Councilman Harrison also encouraged everyone to contact their legislators concerning the gambling issue coming up as he does not feel that is a revenue generator we need at this time as it can ruin families.

Councilman Bill Racer stated that there will be a Safety Committee Meeting on Thursday December 16, 2004 at 7:30 pm in Council Chambers.

Councilman A.A. "Joe" Savilla thanked the individuals who were Mr. and Mrs. Santa Claus at the Christmas Parade for doing a magnificent job. He stated his disappointment that all Council Members were unable to attend.

Councilwoman at Large Gertie Estep thanked the Maintenance Department for filling in the holes on Cleveland Avenue.



Councilman at Large Bill Clark yielded the floor to Wayne Fleshman. Mr. Fleshman said the Memorial Day weekend event discussed at the prior Council Meeting will be called the "Antique Fair". It will start Friday evening through Monday of Memorial Day Weekend in 2005. Councilwoman at Large Gertie Estep asked Mr. Fleshman if there would be any expense to the City. Mr. Fleshman said he did not see any cost to the City. Councilman Mark Goodall asked if Council could see an agenda since it is a large event. City Recorder Joan McClanahan stated that she headed the Antique Fair last year which they want to combine with Mr. Fleshman's event. COUNCILMAN AT LARGE BILL CLARK MOVED THAT THE CITY APPROVE HAVING AN ANTIQUE FAIR MEMORIAL DAY WEEKEND IN 2005, SECONDED BY COUNCILMAN AT LARGE A.A. "JOE" SAVILLA AND WAS CARRIED.


Councilwoman at Large Brenda Tyler reported that there was a large outpouring of gifts for the Christmas for Children Collection. Ms. Tyler also stated there will be a lunch for Senior Citizens at St. Paul's United Methodist Church on Thursday December 9, 2004 at 12:00 noon. There will be a gift table set up as well.

City Recorder Joan McClanahan reported that there will be an Open House at Nitro City Hall Friday December 17, 2005 from 11:00 – 2:00 pm. The public is invited to attend.

There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MOVED THAT THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

## NITRO FIREMEN'S PENSION &amp; RELIEF FUND

## ESTIMATED EXPENDITURE BUDGET

2005

PENSION DISBURSEMENTS	\$ 180,499.14
ACTUARY	6,300.00
SECRETARY	720.00
MISC. EXPENSE	1,000.00
	<u>\$ 188,519.14</u>

CITY OF NITRO  
COUNCIL MEETING MINUTES  
DECEMBER 21, 2004

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep, Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison.

Mayor Casto asked for a moment of silence in memory of Councilwoman at Large Gertie Estep's mother who recently passed away and for the 19 servicemen who were killed today in Iraq.

COUNCILWOMAN AT LARGE GERTIE ESTEP GAVE THE INVOCATION.

COUNCILWOMAN AT LARGE BRENDA TYLER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 12-7-04 COUNCIL MEETING MINUTES: COUNCILMAN MARK GOODALL MOVED THAT THE DECEMBER 7, 2004 COUNCIL MEETING MINUTES BE ACCEPTED, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Councilwoman at Large Brenda Tyler yielded the floor to Sherrie Hedrick. Ms. Hedrick is a Key Account Manager for Coca Cola and one of her accounts is Wal-Mart. She met with the Manager and Co-Manager of the Nitro Wal-Mart and they would like to team up with the City to provide a means for money to be raised for the Nitro Children's Handicap Playground. Ms. Hedrick gave a presentation on fundraising events that would benefit this playground. The City would need to provide a single contact person and Coca Cola would also have to be the vendor of choice as the cold drink provider for the City. This would include accounts for the Little League, pool, schools, vending machines at city buildings and the Community Center. Mayor Rusty Casto stated that other than the pool he was not sure that the City could tell the Little League or the Community Center that they had to deal strictly with Coca Cola. He said he would ask them. Councilman Mark Goodall was concerned there might be a conflict with a City Ordinance which requires they go with the lowest bidder. Ms. Hedrick said the City would need to make a decision by the end of the first week in January. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT CITY ATTORNEY TROY GIATRAS LOOK AT THE LEGALITY OF THE PROJECT, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. A meeting was set for Tuesday December 28, 2004 at 7:30 pm in Council Chambers to discuss the project. Councilman at Large Bill Clark expressed concern that the Little League just put up a Pepsi scoreboard.



Wayne Fleshman presented an agenda for the Nitro Antique Fair to take place Memorial Day weekend in 2005. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO APPROVE MAY 27 THROUGH MAY 30, 2005 FOR THE ANTIQUE FAIR, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Matthew Thornhill addressed Council. Mr. Thornhill recently moved to Nitro and is a representative for Dymaxium Entertainment Services. He has been able to book Frankie Valli and the Four Seasons and Little Anthony and the Imperials for Friday evening's entertainment at the Nitro Antique Fair. He has also booked George Jones for the Saturday evening entertainment with an opening act by a relative of Councilman Savilla. Mr. Thornhill spoke with Mr. McClanahan, principal of Nitro High School and has been given permission to use the athletic field to host the event. The Athletic Department will have all the concessions for the entire weekend. An additional ten percent of the net proceeds of the concert will go to a local charity. Mayor Casto recommended they discuss this at Tuesday's meeting.

AGENDA ITEM NO. 3 - APPOINTMENT TO PLANNING COMMISSION: COUNCILMAN JOE SAVILLA MADE A MOTION TO BRING THE APPOINTMENTS TO THE PLANNING COMMISSION OFF THE TABLE, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

City Recorder Joan McClanahan read the appointments to the Planning Commission as follows: Victor Canterbury from Michigan Avenue, Tom Waldorf from West 14<sup>th</sup> Street, and Rick Frontz from Hillside Drive. Mayor Rusty Casto added Mr. Walls of Brookhaven to the list pending his approval. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE APPOINTMENTS TO THE PLANNING COMMISSION, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 4 - APPOINTMENT TO NDA: Councilwoman at Large Brenda Tyler read the names of those asking for another three year appointment to the NDA as follows: Jim Westland, Olaf Walker, Ivan Meadows, and Tina Hidenrich. Ms. Tyler also read the names of the new appointments as follows: Lyle Clendenin, Frank Grover, and Jason Wright. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE NAMES AS READ AS APPOINTMENTS TO THE NDA, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 5 - RALPH ALLISON: City Treasurer Ralph Allison reported that at the Safety Meeting last week, the City's Insurance Agent, Mr. Marshall, suggested that the Safety Committee be intact and then a representative from the Board of Risk will meet with them to explain what is expected. It is possible that a Safety Director may not need to be appointed. The next meeting will be held Tuesday December 28, 2004.

AGENDA ITEM NO. 6 – TROY GIATRAS: Nothing to report.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Mayor Rusty Casto reported that 2,000 feet of 6' fence has been donated to the City for the former Smith Street Landfill. COUNCILMAN AT LARGE A.A. "JOE" SAVILLA MADE A MOTION TO GET BIDS FOR THE PIPE AND LABOR TO INSTALL THE FENCE AROUND THE FORMER SMITH STREET LANDFILL, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED WITH TIM HARRISON OPPOSING.

Councilman Mark Goodall stated that he spoke with Attorney Giatras concerning the Erosion Ordinance. COUNCILMAN MARK GOODALL MADE A MOTION TO AMMEND THE EROSION ORDINANCE TO INCREASE THE FINE TO \$250.00 PER DAY UNTIL IN COMPLIANCE. THE WORDING ON THE SECOND PAGE WILL ALSO BE CHANGED FROM CITY ENGINEER TO READ CITY BUILDING INSPECTOR. THE MOTION WAS SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Councilwoman at Large Gertie Estep thanked Mayor Casto for being a pall bearer at her mother's funeral.

CITY RECORDER JOAN MCCLANAHAN MOVED TO ACCEPT THE SECOND READING OF THE SOIL EROSION ORDINANCE, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

ORDINANCE 04-05 ATTACHED.

There being no further business to discuss COUNCILWOMAN AT LARGE GERTIE ESTEP MOVED THAT THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR

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



ORDINANCE NO. 04-05.

AN ORDINANCE TO ESTABLISH REGULATIONS FOR GRADING IN ORDER TO CONTROL THE EROSION OF SOIL.

ARTICLE \_\_

SOIL EROSION CONTROL

- 1759.01 Definitions.
- 1759.02 Grading permit required.
- 1759.03 Requirements for grading pencil.
- 1759.04 Issuance of grading permit, condition.
- 1759.05 Term of permit; renewal.
- 1759.06 Permit fee.
- 1759.07 Violations; penalty.

CROSS REFERENCES

W.Va. Code 19-21A-1 et seq.

\_\_ DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this article.

- (a) "Cut" or "excavation" means a portion of land surface or area from which earth has been removed will be removed by excavation: the depth below original ground surface to excavated surface.
- (b) "Sediment basin" means a barrier or dam built across a drain or waterway or at another suitable location to retain rock, sand, gravel, silt or other material.
- (c) "Diversion" means a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.
- (d) "Erosion" means the wearing away of the land surface by action of wind, water, or gravity.
- (e) "Existing grade" means the vertical location of the ground surface prior to cutting or filling.
- (f) "Fill" means a man-made deposit of soil, rock, or other material.
- (g) "Finished grade" means the final grade or elevation of the ground surface conforming to the proposed design.
- (h) "Grading" means any stripping, cutting, filling, stockpiling, or any combination thereof and includes the land in its cut or filled condition.
- (i) "Grading permit" means a permit issued to authorize work performed under this article.
- (j) "Grassed waterway" means a natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion, or other feature.
- (k) "Mulching" means the application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.



- (l) "Permittee" means any person to whom a permit is issued in accordance with the provisions of this article.
- (m) "Person" means a firm, partnership, association, bodies politic or corporate, or any other body acting as a unit, as well as an individual.
- (n) "Sediment" means solid material, both mineral and organic that is in suspension, is being transported or has been moved from its site of origin, by air, water, or gravity byproduct of erosion.
- (o) "Sediment pool" means the reservoir space allotted to the accumulation of submerged sediment during the life of the structure.
- (p) "Slope" means the degree of deviation of ft surface from the horizontal plane, usually expressed in percent or degree.
- (q) "Soil" means all unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.
- (r) "Site" means any plot or parcel of land or combination of contiguous lots or parcels or land where grading is performed or permitted.
- (s) "Stripping" means any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.
- (t) "Capitol Conservation District" means the subdivision of the State of West Virginia created and organized to include Kanawha County pursuant to the provisions of the "Soil Conservation Districts Law of West Virginia".
- (u) "Western Conservation District" means the subdivision of the State of West Virginia created and organized to include Putnam County pursuant to the provisions of the "Soil Conservation Districts Law of West Virginia".
- (v) "Temporary cover" means straw, hay, mulch, or annual seedlings used for critical areas to minimize soil erosion for no more than one season.
- (w) "Permanent cover" means perennial seedlings and plants used as a permanent cover for critical areas to minimize soil erosion.

#### GRADING PERMIT REQUIRED.

No person shall do or cause to be done any grading, stripping, or cutting upon any site within the City unless and until he has obtained a grading permit approved by the Building Inspector. However, no grading permit shall be required for the tilling or cultivating of any plot of ground within the City for the purpose of growing flowers, vegetables, or other plants.

#### REQUIREMENTS FOR GRADING PERMIT.

Any person desiring a grading permit shall submit the following information for the entire site upon which any grading, stripping, or cutting is to be done.

- (a) A plat or boundary line survey of the entire site on which the grading, stripping, or cutting is to be done.
- (b) Description of the features, existing and proposed, surrounding the site of importance to the proposed development.
- (c) Description of general topographic and general soil conditions on the site. Information as to soil conditions is available from the Conservation Districts.

- (d) The location and description of existing and future man-made features of importance to the proposed development.
  - (e) The plans and specifications for a grading permit shall contain needed and necessary soil erosion and sedimentation and control techniques using one or more of the appropriate soil erosion control measures in accordance with the standards and specifications of the Conservation Districts if the proposed grading, stripping, or cutting will result in soil erosion and/or situation of adjoining property or property in the area.
  - (f) A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to completion of effective erosion and sediment control measures.
- All applications for grading permits shall be made in writing upon a form provided by the City Building Inspector and shall be made under oath and signed by the owner of the site, or the owner by the contractor proposing to do the work, or another authorized person.

#### ISSUANCE OF GRADING PERMIT: CONDITIONS

Upon any person filing an application for a grading permit the Building Inspector shall within three days of the date of the application make or cause to be made an inspection of the site to be graded, and if he finds the erosion or sediment control measures are not necessary or that the planned and specified measures contained in the application are adequate to control and prevent erosion and/or situation of adjoining property or property in the area, he shall immediately approve the issuance of the grading permit. In the event that the Building Inspector finds that the proposed grading as planned will result in erosion and/or situation of adjoining property or property in the area, he shall not approve the issuance of the grading permit.

- (a) Grading permits upon tracts of land smaller than one-fifth acre shall be approved by the Building Inspector if the following conditions are met
  - (1) The proposed grading, stripping, or cutting will not result in soil erosion and/or situation upon adjoining property or property in the area, or
  - (2) No disturbed soil shall be exposed for more than thirty days without temporary or permanent cover.

Grading permits upon tracts of land larger than one-fifth acre shall be approved by the Building Inspector if the following conditions are met:

- (1) The proposed grading, stripping, or cutting will not result in soil erosion and/or situation upon adjoining property or property in the area; or
- (2) No disturbed soil shall be exposed for more than thirty days without temporary or permanent cover; and
- (3) If needed to prevent excessive soil erosion and/or situation, the plans shall contain appropriate soil erosion and sedimentation control techniques using one or more of the soil erosion control measures in accordance with the standards and specifications of the Conservation Districts.



TERM OF PERMIT, RENEWAL.

Any grading permit issued under the provisions of this article shall be valid for a period of six months from and after the date of the permit. If the grading or the site has not been completed within six months from the date of the permit, the permit may be renewed for an additional period of six months without assessment of any fee therefore. If any grading is not started and the work not actually begun within six months after the date of the original permit, no renewal permit will be granted, but a new application shall be made and an additional fee paid. The additional fee shall be on the same schedule as any other permit.

PERMIT FEE.

Upon being granted a grading permit, the permittee shall pay five dollars (\$5.00) for each one thousand dollars (\$1,000.00) of the estimated cost of grading as shown on the application, but in any event a minimum fee of five dollars (\$5.00), and the payment of such fee shall be a prerequisite to granting of a grading permit.

VIOLATIONS; PENALTY.

Until an application is made and approved in the manner prescribed in this article and the grading permit issued, no grading, stripping, or cutting of any site within the City shall be done and no grading, stripping, or cutting of any site within the City shall be done without strict compliance with soil erosion and situation control measures set forth in the grading permit. Any owner or contractor and any workmen who perform any work or labor, or cause, permit, or allow the same to be performed in the grading, stripping, or cutting of any site within the City without obtaining a permit therefore or without complying with the soil erosion and control measures set forth in the grading permit shall be fined two hundred fifty dollars (\$250.00) per day until in compliance.



CITY OF NITRO  
COUNCIL MEETING MINUTES  
JANUARY 4, 2005

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present was Mark French representing City Attorney Troy Giatras and City Treasurer Ralph Allison.

Mayor Rusty Casto asked everyone to remember Imogene McKinney, Councilman Clark's mother-in-law, and Pansy Armstead, a long time City employee, who are in the hospital.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

COUNCILMAN AT LARGE BILL CLARK LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 12-21-04 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THAT THE DECEMBER 21, 2004 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – CITIZEN OF THE MONTH: Councilman A.A. "Joe" Savilla introduced Coach Scott Tinsley and the Nitro High School Football Team as Citizens of the Month. Coach Tinsley thanked everyone for their support and introduced the players that were present. They were given a warm round of applause.

AGENDA ITEM NO. 3 – MAYORS INTRODUCTIONS: No introductions.

AGENDA ITEM NO. 4 – FENCE BID: City Recorder Joan McClanahan had the two bids that were previously opened. All Quality from Cross Lanes bid \$39,772.00 and McNeil Fence bid \$24,337.80. Mayor Casto recommended that when City Treasurer Ralph Allison says the City has the money they should award the bid to McNeil fence as the low bidder. Mayor Casto stated that he and Jack Jordan are working on a Grant to pay for the expense of the fence. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO AWARD THE BID FOR THE FENCE AT THE FORMER SMITH STREET LANDFILL TO MCNEIL FENCE, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED WITH COUNCILMAN TIM HARRISON OPPOSING.

AGENDA ITEM NO. 5 – SECOND READING ORD/BROOKHAVEN: Mark French, standing in for City Attorney Troy Giatras, stated that he spoke with Councilman A.A. "Joe" Savilla and Councilman Savilla wanted to make some changes to the

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Ordinance. COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT THE BROOKHAVEN ORDINANCE BE TABLED UNTIL CHANGES ARE MADE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 6 – SECOND READING ORD/ANIMAL: Councilman Tim Harrison requested one change be made to the Ordinance. COUNCILMAN TIM HARRISON MOVED THAT THE ANIMAL ORDINANCE BE TABLED UNTIL A CHANGE IS MADE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 – RALPH ALLISON: City Treasurer Ralph Allison reported that the Fire Department is applying for a Grant to get a new fire engine. In order to submit the Grant the Fire Department must have an approval from the City Council that the City will pay ten percent of the funds for the fire engine. Mr. Allison stated that this amount would be between \$25,000 and \$30,000. The Fire Department will not know if they will get the Grant until next fall according to Mr. Allison. City Recorder Joan McClanahan asked if their approval would be binding even if they determined at the budget meeting they could not afford it. Mr. Allison said it would be binding. Mayor Casto stated they would discuss it at the next meeting.

AGENDA ITEM NO. 8 – TROY GIATRAS: Mark French stood in for Attorney Troy Giatras. Mr. French stated that they are still working out the details on two letters of intent. One was concerning the City contract with Coke and the other was concerning the prospective entertainment for the 2005 Antique Fair that was presented by Mr. Thornhill at the last Council Meeting. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO GIVE MAYOR RUSTY CASTO AND CITY RECORDER JOAN MCCLANAHAN APPROVAL TO SIGN THE AGREEMENT WITH COKE UPON COMPLETION OF THE WORK BY THE LEGAL COUNCIL, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Mayor Rusty Casto reported that there will be a meeting tomorrow with the RC&D. Mayor Casto stated that all Council Members were given a list of nine people who have agreed to serve on the World War I Memorial Commission Committee. This list included Jay Long, Shelley Kostelansky, Bryan Casto, William Wintz, Nathan Wills, Dewey Mann, Delmer Bird, Gary Blankenship, and Mary Byrd. Mayor Casto said that Mr. Moody has expressed interest in selling the property and contents of the WWI Museum. Mayor Casto stated that the WWI Commission Committee is meeting with the RC&D concerning getting Grants. City Treasurer Ralph Allison stated that the meeting will be on Thursday Jan. 6, 2005 at 1:00 pm. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT SHELLEY KOSTELANSKY'S NAME BE REMOVED AND THAT ALL OTHER NAMES BE APPROVED FOR THE COMMITTEE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK. Councilwoman at Large Gertie Estep asked Ms. Tyler why she wanted Ms. Kostelansky's name removed. Councilwoman Tyler stated she could not discuss that in public. Councilman A.A. "Joe" Savilla stated that all Council Members should serve as ex officio members of the WWI Commission

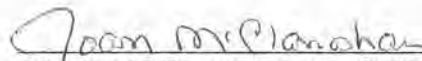


Committee. Mayor Rusty Casto stated that according to the law set by the State Historical Committee only one member of City Council will serve on WWI Commission Committee. THE MOTION PASSED WITH COUNCILWOMAN AT LARGE GERTIE ESTEP AND COUNCILMAN BILL RACER OPPOSING.

COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO PUT SHELLEY KOSTELANSKY ON THE WWI COMMISSION COMMITTEE, SECONDED BY COUNCILMAN BILL RACER. THOSE VOTING IN FAVOR OF THE MOTION WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP, COUNCILMEN MARK GOODALL AND BILL RACER. THOSE OPPOSING WERE COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMEN A.A "JOE" SAVILLA AND TIM HARRISON. MAYOR RUSTY CASTO ABSTAINED.

Mayor Rusty Casto stated that at this time Shelley Kostalansky will not be on the WWI Commission Committee.

There being no further business to discuss COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN THE MEETING AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR  
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JOAN MCCLANAHAN, CITY RECORDER



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CITY OF NITRO  
COUNCIL MEETING MINUTES  
JANUARY 18, 2005

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen Bill Racer and Tim Harrison. Also present were City Treasurer Ralph Allison and City Attorney Troy Giatras. Absent were Councilmen A.A. "Joe" Savilla and Mark Goodall.

Mayor Casto asked everyone to continue to remember Pansy Armstead, a long time employee of City Hall, who is recovering from heart surgery.

COUNCILMAN TIM HARRISON GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 - APPROVAL OF 01-04-05 COUNCIL MEETING MINUTES: COUNCILMAN TIM HARRISON MADE A MOTION TO ACCEPT THE COUNCIL MEETING MINUTES FROM JANUARY 4, 2005, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 2 - MAYOR'S INTRODUCTIONS: Mayor Rusty Casto yielded the floor to Mr. Stewart. Mr. Stewart gave all Council members information on the "For the Love of It" Valentine Run to be held on February 12, 2005. COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO ENDORSE THE "FOR THE LOVE OF IT" VALENTINE RUN, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 3 - APPT/WWI MUSEUM COMMITTEE: Councilwoman at Large Gertie Estep yielded the floor to Shelley Kostelansky. Ms. Kostelansky addressed Council concerning being appointed to the WWI Museum Committee. COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO APPOINT SHELLEY KOSTELANSKY TO THE WWI MUSEUM COMMITTEE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. Councilwoman at Large Brenda Tyler expressed concerns with Ms. Kostelansky being appointed to the WWI Committee. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR A SHORT RECESS SO SHE COULD ADDRESS SHELLEY KOSTELANSKY PRIVATELY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. After a short recess THE MOTION TO APPOINT MS. KOSTELANSKY TO THE COMMITTEE WAS CARRIED WITH A UNANIMOUS VOTE INCLUDING MAYOR RUSTY CASTO.

AGENDA ITEM NO. 4 - PRESENTATION/PUBLIC WORKS: City Recorder Joan McClanahan yielded the floor to Public Works Director A.J. Hill. Mr. Hill gave

each Council member a printout stating the needed repairs for the equipment the Public Works Department is using. Mr. Hill expressed concern for the safety of the employees using this equipment and stated that his department needs a new garbage truck and dump truck. The cost for a new garbage truck is between \$99,000.00 and \$100,000.00. The cost for a new dump truck is about \$60,000.00. City Treasurer Ralph Allison said they could discuss a lease purchase as it is not feasible to purchase one. It would cost approximately \$5,000.00 a month to lease both a garbage truck and dump truck. City Treasurer Ralph Allison stated that the present budget could not support any more expenditures. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION PUT A GARBAGE TRUCK AND DUMP TRUCK SEPARATELY OUT FOR BID, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Attorney Ralph Allison stated that he needs to receive budgets from Department Heads by February 14, 2005. The first Budget Meeting will be held on February 22, 2005 at 7:00 pm in Council Chambers.

AGENDA ITEM NO. 6 – TROY GIATRAS: Mark French represented City Attorney Troy Giatras. Mr. French stated that a letter of intent has been sent to Coca Cola and Wal-Mart and his office has been in contact with the Coca Cola representative concerning specific details. He has not yet received a response from their representative. Mr. French presented two ordinances that have been redrafted. This would be the second reading for both. He read the Brookhaven Ordinance by title only: AN ORDINANCE TO ENACT A MORETORIUM ON ADDITIONAL BUILDING IN THE BROOKHAVEN SUBDIVISION IN THE CITY OF NITRO UNTIL CERTAIN ACTIONS ARE TAKEN TO ENSURE THE SAFETY AND WELFARE OF THE RESIDENTS THEREOF.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ADOPT THE ORDINANCE BY READING OF TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Ord. 05-01 attached

Mark French stated that the Animal Control Ordinance is being amended so that it more easily tracks the Dunbar Ordinance since Nitro shares their Humane Officer with the city of Dunbar. COUNCILMAN TIM HARRISON MADE A MOTION TO ADOPT THE ANIMAL CONTROL ORDINANCE BY READING OF TITLE ONLY, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED. Mr. French read the Animal Control Ordinance by title only: AN ORDINANCE TO AMEND, APPEND AND MODIFY THE ANIMAL AND FOWL ORDINANCE, ARTICLE 505 OF THE ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA.

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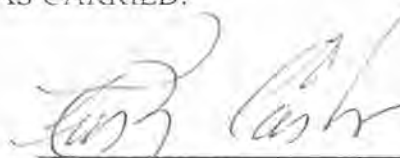
COUNCILMAN TIM HARRISON MADE A MOTION TO ADOPT THE ORDINANCE, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

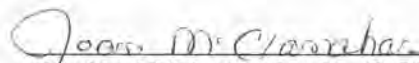
Ord. 05-02 attached

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Mayor Rusty Casto yielded the floor to Matt Thornhill. Mr. Thornhill asked permission to charge for parking during the concerts at the Antique Fair Days to be held in May. Mayor Casto stated that Council could only approve charging for parking on the Library parking lot. Mr. Thornhill will have to address Principal McClanahan concerning the High School parking lot. Mr. Thornhill said he would be willing to split the parking proceeds 50/50 with the city. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ALLOW \$2.00 TO BE CHARGED FOR PARKING DURING THE CONCERTS TO BE HELD ON MAY 27 AND MAY 28, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Councilman Tim Harrison expressed dismay with the editorial in the paper concerning Council's decision for the City to team up with Coca Cola.

There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ADJOURN, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

  
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RUSTY CASTO, MAYOR

  
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JOAN MCCLANAHAN, CITY RECORDER



ORDINANCE NO.: 05- 01 \_\_\_\_\_

Introduced in Council

Adopted by Council:

\_\_\_\_\_

January 18, 2005

Introduced by:

Referred to:

\_\_\_\_\_

Planning Commission

An Ordinance to enact a moratorium on additional building in the Brookhaven Subdivision in the City of Nitro until certain actions are taken to ensure the safety and welfare of the residents thereof.

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

The Planning and Zoning Ordinance of the City of Nitro, West Virginia, as amended, is hereby amended to reflect an immediate moratorium on building in the Brookhaven subdivision contained in the City of Nitro until certain actions are taken to ensure the safety and welfare of the residents thereof.

(1) Purpose:

The City Council for the City of Nitro has determined that the infrastructures, consisting of the roads and wastewater runoff system, in service for the Brookhaven development contained within the City of Nitro have deteriorated to a condition such that the safety and welfare of the residents of Brookhaven subdivision would be detrimentally affected should additional development occur in the Brookhaven subdivision. The City Council has found that, because of deteriorated roads in the Brookhaven subdivision, emergency vehicles are less efficient in their ability to service the residents of the Brookhaven Subdivision. The City Council has further found that, should additional development occur in the Brookhaven subdivision, not only would additional residents receive reduced emergency response effectiveness, but the increased heavy construction traffic would further damage the deteriorated infrastructure. The purpose of this Ordinance is to enact a moratorium on new or additional building in the Brookhaven subdivision until certain enumerate conditions are corrected in accordance with this Ordinance.

(2) Meaning of Words: For the purposes of this Ordinance, the following words shall have the following associated meanings: