

(a) "Brookhaven Subdivision" shall refer to the certain housing development contained within the City of Nitro consisting of the main thoroughfare into and out of Brookhaven subdivision, Brookhaven Drive, and all branch streets contained within the Brookhaven subdivision.

(b) "New or additional building" shall refer to any construction, planned or contemplated, wherein the result of such construction shall result in the placement of a structure on land that previously had no structure. This term shall not refer to any improvements or additions to structures previously in existence before the enactment of this Ordinance.

(c) "Moratorium," as used in this ordinance, shall refer to a complete cessation of all "new or additional building" in the "Brookhaven subdivision."

(3) Be it ordained by the City Council for the City of Nitro that any and all new or additional building currently being planned or contemplated for the Brookhaven subdivision, regardless of whether a building permit has been issued or not, shall hereby cease, and a permanent moratorium shall be in place until the following actions are taken to correct the inadequate and deteriorated infrastructure servicing the Brookhaven subdivision.

(a) The permitting authority for the Brookhaven subdivision shall reside with the City of Nitro Building Commission. All permits issued by the City of Nitro Building Commission with respect to the Brookhaven subdivision must receive approval by the City Council for the City of Nitro before being valid.

(b) Roads: All roads leading into and out of Brookhaven subdivision shall be improved to a condition able to accommodate all emergency vehicles servicing the City of Nitro and Brookhaven subdivision. Additionally, all roads shall leading into and out of Brookhaven subdivision shall be improved to a condition able to accommodate the increased traffic associated with new or additionally building, and also the normal traffic currently utilizing the roads leading into and out of Brookhaven subdivision.

The improvements to the roads leading into and out of Brookhaven subdivision shall be certified as complying with this provision by a certified civil engineers licensed in the State of West Virginia.

ORDINANCE NO.: 05- 02

Introduced in Council

Adopted by Council:

_____ ,

January 18 , 2005

Introduced by:

Referred to:

Planning Commission

An Ordinance to amend, append and modify the Animal and Fowl Ordinance, Article 505 of the Ordinances of the City of Nitro, West Virginia. .

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA**

505.005:

"Cat" means and includes all members of the feline family, of either sex, unless otherwise specified hereinafter.

505.29 LICENSE REQUIRED.

Every person owning, maintaining or harboring a dog in the City shall comply with all requirements for acquiring a dog license from the appropriate county, whether it be Kanawha or Putnam County.

(4) 505.14 DOGS RUNNING AT LARGE ROAMING AT LARGE.

505.14 (a) The owner of a dog or person harboring or keeping a dog shall not allow such dog to roam at large in the city. The owner of a dog or person harboring or keeping a dog shall confine such dog at the owner's premises or the premises of such person harboring or keeping such dog. No person shall take any dog onto the street, sidewalks or public places of the City unless the dog shall be upon a leash or under effective control.

505.14 (b) CATS ROAMING AT LARGE.

No owner or keeper of any cat shall permit it to roam at large within the City at any time, except on the property owned or occupied by the owner of such cat. Any cat found roaming at large in violation of this section shall be seized by the animal warden and forthwith impounded.

505.30 INTERFERENCE WITH ENFORCEMENT.

(a) No person shall hinder, molest or interfere with any person authorized or empowered to perform any duty under this article, nor shall any person attach a license tag to any dog to which it was not issued, or remove a license tag from the collar of any dog without the consent of its owner.

(b) Except for persons duly authorized herein, no person shall entice any properly licensed dog into any enclosure for the purpose of taking off its collar or tag, or, for such purpose, decoy or entice any dog out of the enclosure or house of its owner or possessor, or seize or molest any dog which is held by any person, or bring any dog into the City for the purpose of impounding and killing the same.

(6) 505.27 KEEPING VICIOUS DOG

~~No person shall own, keep or harbor any dog known by him to be vicious, dangerous or in the habit of biting or attacking persons, whether or not such dog wears a tag or muzzle, and upon satisfactory proof that such dog is vicious, dangerous or in the habit of biting or attacking persons, the Animal Warden or any police officer may cause such dog to be impounded and disposed of in manner provided in the article.~~

(a) Definitions.

(1) A "vicious" dog as the term is used in this section means:

A. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

B. Any dog which attacks a human being or a domestic animal on two or more occasions without provocation; or

C. Any pit bull terrier which is defined as any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified Veterinarian duly licensed as such by the State.

(2) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (b) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet.

(b) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(c) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the City Manager.

505.31 EXCREMENT

Neither the owner of a dog or any person having charge of a dog, whether such dog is on a leash or not, shall allow such a dog in their charge to deposit animal excrement or other animal wastes upon any public or private property or otherwise damage any public or private property.

505.99 PENALTY.

(e) (1) Whoever violates the provisions of Section 505.27 shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when in the Court's Judgment, such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating Section 505.27 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding the veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(2) Whoever violates provisions of Section 505.27 on a second occasion with the same dog shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both, and shall be required to post bond with the City in the amount of one thousand dollars (\$1,000) in consideration for being permitted to keep the dog, so long as the dog is kept in conformance with the provisions of this article

CITY OF NITRO
COUNCIL MEETING MINUTES
FEBRUARY 1, 2005

Mayor Rusty Casto called the meeting to order at 7:30 pm in Council Chambers. 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. Absent were City Attorney Troy Giatras and City Treasurer Ralph Allison.

Mayor Rusty Casto asked everyone to remember Erica Rhodes, daughter of Lynne Rhodes who works in the Sanitary Department, as she was taken to the hospital with a form of pneumonia and Councilwoman at Large Brenda Tyler who will be in isolation in a few weeks.

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

FORMER MAYOR ART ASHLEY LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 01-18-05 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO ACCEPT THE JANUARY 18, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto yielded the floor to Jim Riffle, President of the Nitro Firemen's Association. Mr. Riffle gave a presentation for their Portrait Drive fund raiser. Photographs will be taken on February 27, 2005 and March 6, 2005. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE NITRO FIREMEN'S REQUEST FOR A PORTRAIT DRIVE FUND RAISER, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mr. Riffle stated that the first Monday of each month they are offering CPR classes to the public. The classes are held at 6:30 pm in the Nitro Fire Department training center for a \$10.00 fee.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: Mayor Rusty Casto reported that the Citizen of the Month Award will be presented to Marian Bartlette of Smith Street. Ms. Bartlette received the Volunteer of the Year Award from Thomas Memorial Hospital last year. She will be presented her plaque at the next Council meeting.

AGENDA ITEM NO. 4 – JIM RIFFLE NITRO FIRE ASSN. PORTRAIT DRIVE: This presentation was given under Mayor's Introductions.

AGENDA ITEM NO. 5 – 1ST READING SANITARY BD. RATE INCREASE:

Mayor Rusty Casto yielded the floor to Denny Vaughn, attorney for the Nitro Sanitary Board. Mr. Vaughn gave each Council Member a Resolution and Ordinance filed by the Nitro Regional Wastewater Utility requesting a rate increase. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO READ THE ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED. Mayor Rusty Casto read the Ordinance by title only: ORDINANCE AMENDING AND REENACTING AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR SERVICES RENDERED BY THE NITRO REGIONAL WASTEWATER UTILITY.

COPY OF RESOLUTION NUMBER 05-01 ATTACHED.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ACCEPT THE ORDINANCE ON FIRST READING, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Attorney Denny Vaughn elaborated on the petition. Mr. Vaughn stated that under the petition the rates would be increased 13 percent in the first step. The second increase would be 16.16 percent and would become effective at the end of one year after the first step increase. The floor was open for discussion. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE SANITARY BOARD ORDINANCE ON FIRST READING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 6 – PLANNING COMMISSION MINUTES: Mayor Rusty Casto stated that they have received the Planning Commission minutes of December 2, 2004 and January 27, 2005. There was discussion concerning the petition presented by Mark Sanders and Larry Angel to abandon a public street. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO TABLE ACCEPTING THE PLANNING COMMISSION MINUTES UNTIL THE CITY ATTORNEY CAN REVIEW THEM, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

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

AGENDA ITEM NO. 8 – TROY GIATRAS: Mark French represented Troy Giatras. Mr. French stated that he has been in contact with Coca Cola and Mr. Thornhill and that they are still working on the details for the letters of credit. They should be ready by the next Council Meeting. Mr. French stated that he spoke with Sherri Hedrick of Coca Cola and she is waiting to hear back from the director of the Nitro Antique Fair regarding any conflicts they might have with Coca Cola being the sole vendor. Mr. Thornhill stated that his office is partnering with Coca Cola to have them be the vendor at the concerts during the Nitro Antique Fair.


AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Mayor Rusty Casto stated that Mr. Walls accepted his placement on the Planning Commission Committee.

Councilman Tim Harrison stated that he attended the Metro Government Forum held at the West Virginia State University. Mr. Harrison reported that Kanawha Commissioner Hardy will be giving a presentation on Thursday at 5:00 pm at the Kanawha County Commission and he plans to attend.

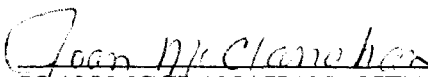
Councilman A.A. "Joe" Savilla reported that there will be a Blue Mass at the St. Francis Catholic Church in St. Albans for all the police officers, firemen, and other emergency services personnel. It will be held on February 5, 2005 at 5:00 pm. There will be a spaghetti dinner after the mass hosted by the Knights of Columbus.

Councilman Savilla stated that some members of the Annexation Committee met last week with members of Forest Park concerning their petition to be annexed into the City of Nitro. They are scheduling another meeting for the first of next week.

There being no further business to discuss CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, CITY RECORDER

PETITION OF THE NITRO REGIONAL WASTE WATER UTILITY
TO THE COUNCIL OF THE CITY OF NITRO:

WHEREAS, pursuant to the provisions of Chapter 16, Article 13, Section 5 of the Code of West Virginia, 1931, as amended, the Sanitary Board (the "Sanitary Board") of the City of Nitro (the "City"), operates a sanitary sewer system known as the Nitro Regional Wastewater Utility.

WHEREAS, the Sanitary Board, after consultation with the Joint Committee of City Council and Sanitary Board, proposes a two step rate increase. The proposed first step represents a 13% increase over current rates to compensate for lost revenue resulting from the loss of customers and more conservative usage, to pay competitive wages, to add employees, and for other routine expenses of operation and inflation coverage calculated on the basis of 2% operation and maintenance expense for the succeeding three year period.

The Second step is necessary to implement the Sanitary Board's Combined Sewer Overflow ("CSO") plan which has been mandated by the West Virginia Department of Environmental Protection and the United States Environmental Protection Agency. The second step constitutes a 16.16% increase over the rate proposed in step one. It is proposed that the second step be implemented one calendar year from the date of implementation of the first step increase. Step two will be applied to the 2005-2008 CSO projects, numbered one through four enumerated as follows:

Project No. 1: Line of Credit for expenses relative to advanced costs for projects 1-4
Pump Station 21st Street

Project No. 2: Head Works
New Flow Meter Pit
Garage Maintenance Building

Project No. 3: Storm/Sanitary Sewer Separation

Project No. 4: Replace Pump Station #7

WHEREAS, the attached "Ordinance No. _____, Ordinance Amending and Reenacting an Ordinance Establishing Rates and Charges for Service Rendered by the Nitro Regional Wastewater Utility" which is incorporated herein by reference, will, if adopted, amend and reenact

prior sewer rate ordinances of the City, specifically including but not limited to that Ordinance of May 3, 2002 which amended certain rates and charges for the use of the Nitro Regional Wastewater Utility.

NOW, THEREFORE, BE IT RESOLVED BY PETITION FROM THE SANITARY BOARD OF THE CITY OF NITRO NOW KNOWN AND REFERRED TO AS THE NITRO REGIONAL WASTE WATER UTILITY TO THE COMMON COUNCIL OF THE CITY OF NITRO, AS FOLLOWS:

Consider and adopt forthwith the attached Ordinance No. _____.

WITNESS our signatures on this 25th day of January, 2005.

NITRO REGIONAL WASTE WATER UTILITY

By: _____

Mayor of the City and
Chairman of Sanitary Board

Member

Member

Member

Engineer-Member

CITY OF NITRO
COUNCIL MEETING MINUTES
FEBRUARY 15, 2005

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, and Tim Harrison. Also present were City Treasurer Ralph Allison and City Attorney Troy Giatras. Absent were Councilwoman at Large Brenda Tyler and Councilman Mark Goodall.

Mayor Rusty Casto asked for a moment of silence for Roland "Joe" Savilla, uncle of Councilman A.A. "Joe" Savilla and also for Mrs. Maddox who recently passed away.

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

COUNCILWOMAN AT LARGE GERTIE ESTEP LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 02-01-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE FEBRUARY 1, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO 2 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto presented the Citizen of the Month award to Marion Bartlette. Ms. Bartlette was awarded the Southwest District Volunteer of the Year for her service at Thomas Hospital. She was presented a plaque and two dinners from Diehl's Restaurant followed by a warm round of applause.

Mayor Casto yielded the floor to David Hight. Mr. Hight gave an update on the former Smith Street Landfill. A presentation will be given at the first Council Meeting in April on the results of the samplings. The Division of Natural Resources will have an Open House following that Council Meeting to meet with the community and give a presentation on the boat ramp. Chris Amick gave an update on the fence to be installed around the perimeter of the former Smith Street Landfill. Mr. Amick met with representatives from McNeil Fence. The installation should start next week.

Mayor Casto reported that the Stewarts were unable to attend the meeting to give a report on the race that took place on Saturday. The Stewarts asked Mayor Casto to express appreciation to the Police and Fire departments for their assistance.

AGENDA ITEM NO. 3 – NITRO ALUMNI ASSN. REQUEST: City Recorder Joan McClanahan stated that all council members were given a copy of the Nitro Alumni Association information on the reunion they have planned for July 15 and July 16, 2005. The Alumni Association is requesting some street closings for parking and activities.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO APPROVE THE NITRO ALUMNI ASSOCIATION REQUEST FOR CLOSING OF SOME CITY STREETS FOR PARKING AND ACTIVITIES DURING THEIR REUNION SCHEDULED FOR JULY 15 AND JULY 16, 2005, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

City Recorder Joan McClanahan stated she will pass the Alumni Association information along to Captain Javins following the meeting.

AGENDA ITEM NO. 4 – BID OPENING – TRUCKS: City Recorder Joan McClanahan presented truck bids to City Treasurer Ralph Allison. The bids were for a garbage truck and a dump truck for the Public Works Department. Mr. Allison opened the first bid from Baker Truck Equipment. Their bid was for a 2005 dump truck in the amount of \$54,200.00. The second bid was from West Virginia Tractor for a garbage truck in the amount of \$86,000.00. They did not bid on the dump truck. The third bid was from Wilbar Truck Equipment for a garbage truck in the amount of \$83,817.00. They did not bid on the dump truck. The fourth bid was from Mountain International Trucks Inc. for a dump truck in the amount of \$61,644.00. The last bid was from McNeilus Truck and Manufacturing for a garbage truck in the amount of \$96,000.00. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO REFER THE BIDS TO COMMITTEE AND THAT THEY BRING A RECOMMENDATION BACK TO COUNCIL, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Treasurer Ralph Allison reminded everyone that the first Budget Meeting is scheduled for Tuesday February 22, 2005 at 7:00 pm in Council Chambers. All department heads will be present to present their budgets.

AGENDA ITEM NO. 6 – TROY GIATRAS: City Attorney Troy Giatras reported that they are waiting for a letter from Coca Cola concerning their agreement with the City. Mayor Casto asked if they should bring up the Planning Commission minutes that were tabled at the last meeting. Attorney Giatras recommended that the neighboring residents who are requesting the street abandonment should draft the deed. The information will then be reviewed by Mr. Giatras. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO CONTINUE TO TABLE THE APPROVAL OF THE PLANNING COMMISSION MINUTES UNTIL ALL THE PROPER LEGAL DOCUMENTS HAVE BEEN PREPARED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

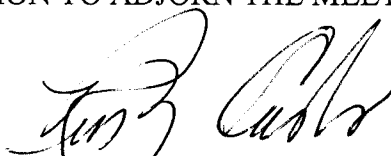
AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Councilman Tim Harrison reported that he found information on the internet from the Municipal League concerning Metro Government. He will make copies of the information and put them in all Council Members' mail boxes.

Councilman A.A. "Joe" Savilla requested that all Council Members come to the Budget Meeting at 6:30 pm. He would like to discuss with them information from the

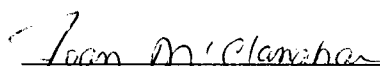
Annexation Committee prior to the Budget Meeting. Councilman Savilla stated that Councilwoman at Large Brenda Tyler was unable to attend tonight's meeting as she is very weak from her therapy. He asked that everyone keep her in their prayers for a quick recovery. Councilman Savilla thanked the City of Nitro Chief of Police for all his help during his uncle's funeral last week.

Don Two Eagle was granted permission to hold a Pow Wow at Ridenour Lake on the same dates as the Homecoming with no expense to the City.

There being no further business to discuss CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ADJORN THE MEETING.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
MARCH 1, 2005

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, and Tim Harrison. Also present was City Treasurer Ralph Allison. Absent were Councilwoman at Large Brenda Tyler, Councilman Mark Goodall, and City Attorney Troy Giatras.

Mayor Rusty Casto asked everyone to remember Councilwoman at Large Brenda Tyler during her illness.

COUNCILMAN TIM HARRISON GAVE THE INVOCATION.

DELEGATE RON WALTERS LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 02-15-05 COUNCIL MEETING MINUTES: COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE FEBRUARY 15, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto presented the Easter family of Brookhaven Subdivision with the March Citizen of the Month award. The Easter family is very active in the Nitro wrestling program and have won many titles. Mr. Easter is the coach. Mayor Casto stated that the Wrestling Team will be treated to dinner at Diehl's Restaurant and he will present the Easter Family with their plaque at that time.

Mayor Casto yielded the floor to Mr. Stewart. Mr. Stewart thanked everyone for their support of the race held in February and gave a report on the event.

Jim Riffle gave an update on the Nitro Fire Department portrait fundraiser.

AGENDA ITEM NO. 3 – BUDGET REPORT: City Treasurer Ralph Allison gave all Council Members copies of the suggested budget for next year. The next Budget Meeting will be held on Thursday March 3, 2005 at 7:00 pm in Council Chambers.

AGENDA ITEM NO. 4 – STREET SIGNS: Councilman at Large Bill Clark discussed a way to raise funds for new street signs. He suggested putting each street sign out for bid. Residents of each street could bid to have their name placed below the street name on the sign. The City could put the bid on the Municipal Service Fee bills. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO PUT THE STREET SIGNS OUT FOR BID AT \$100.00 PER SIGN. THIS BID WILL BE ADVERTISED ON THE MUNICIPAL SERVICE FEE BILLS. THE BID WAS SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 5 – LAWSUIT 10TH STREET HILL: Councilman Bill Racer reported on the amount the City paid for cleaning out the sewers along 10th Street Hill. City Treasurer Ralph Allison stated that he had bills for cleaning out the sewers totaling approximately \$40,000.00. COUNCILMAN BILL RACER MADE A MOTION TO FILE A LAWSUIT TO COVER THE EXPENSES INCURRED IN CLEANING OUT THE SEWERS ALONG 10TH STREET HILL. THIS IS TO INCLUDE THE EXPENSE OF CLEANING OUT THE SEWER LINE, CITY EMPLOYEE OVERTIME, AND ENGINEERING EXPENSES INCURRED. THE MOTION WAS SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Mayor Rusty Casto asked City Treasurer Ralph Allison to present all associated bills for the sewer clean out to City Attorney Troy Giatras.

AGENDA ITEM NO. 6 – SALE/AUCTION MILLER HOUSE: City Recorder Joan McClanahan stated that the City owns the house beside the former Smith Street Landfill. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION PENDING APPROVAL FROM THE ATTORNEY THAT THE CITY EITHER SELL OR PUT UP FOR AUCTION THE FORMER DEAN MILLER HOUSE THAT IS NOW OWNED BY THE CITY. THE PURCHASER WILL BE RESPONSIBLE FOR MOVING THE HOUSE. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 7 – CITY TREASURER RALPH ALLISON: Mr. Allison stated that he was contacted by WV Power, the new local baseball team. This team would like to have Nitro Day on Sunday May 8, 2005. All Council Members were given a copy of the information Mr. Allison received from the ball team. Councilman at Large Bill Clark stated that this might conflict with a Nitro Little League project. Councilman A.A. "Joe" Savilla suggested more research be done before they make a decision.

AGENDA ITEM NO. 8 – TROY GIATRAS: Mark French stood in for Troy Giatras who was unable to attend. Mr. French presented the letter of intent from Coca Cola on their agreement with the City of Nitro. Mr. French stated they should have a final proposal by the next Council Meeting.

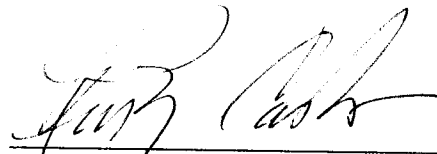
Councilman A.A. "Joe" Savilla asked Mr. French to check with Attorney Giatras concerning the legality of the City of Nitro patrolling the streets of Carriage Way Subdivision.

Mayor Casto asked Mr. French to have Attorney Giatras call to schedule a meeting with A.J. Hill, Director of Public Works and Bryan Casto, Building Inspector.

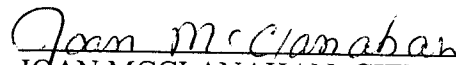
AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Mayor Casto yielded the floor to Delegate Ron Walters. Mr. Walters introduced Delegates Patrick Lane, Tim Armstead, and Steve Harrison.

Mayor Rusty Casto stated that following adjournment of the Council Meeting the Delegates will hold a Town Meeting and encouraged everyone to attend.

There being no further business COUNCILMAN BILL RACER MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.



RUSTY CASTO, MAYOR



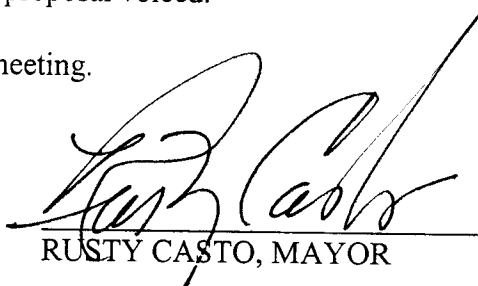
JOAN MCCLANAHAN, CITY RECORDER

CITY OF NITRO
PUBLIC HEARING ON SEWER RATE INCREASE
MARCH 15, 2005

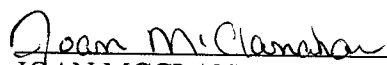
Mayor Rusty Casto called the meeting to order in Council Chambers at 7:00 pm. The meeting had been duly advertised. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison, and Mark Goodall. Also present were Attorney Mark French and City Treasurer Ralph Allison.

Danny Lewis, Director of Nitro Regional Wastewater Utility introduced Max Lemma who is the Sanitary Department Treasurer and Denny Vaughn who is the Sanitary Department Attorney. Mr. Lewis yielded the floor to Attorney Denny Vaughn. Mr. Vaughn explained the proposed rate increase. This was followed by a question and answer session, with no opposition to the proposal voiced.

Mayor Rusty Casto recessed the meeting.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
MARCH 15, 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 City Treasurer Ralph Allison. Mark French represented City Attorney Troy Giatras.

Mayor Rusty Casto asked everyone to stand for a moment of silence in memory of Hubert Moore who recently passed away. Mr. Moore was an active volunteer with the Nitro Senior Citizens.

COUNCILWOMAN AT LARGE BRENDA GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 03-01-05 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO ACCEPT THE MARCH 1, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED WITH COUNCILWOMAN AT LARGE BRENDA TYLER ABSTAINING.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: None

AGENDA ITEM NO. 3 – 2ND READING OF ORD/SANITARY INCREASE: Attorney Denny Vaughn requested on behalf of the Sanitary Department that City Council enact the proposed Sanitary Increase Ordinance. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO READ THE ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

Mayor Rusty Casto read the Ordinance by title only: ORDINANCE AMENDING AND REENACTING AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR SERVICES RENDERED BY THE NITRO REGIONAL WASTEWATER UTILITY.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ACCEPT THE SANITARY RATE INCREASE ORDINANCE ON SECOND READING, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

ORD. 05-03 Copy Attached

AGENDA ITEM NO. 4 – BUDGET 2005/06: Mayor Rusty Casto yielded the floor to Bob Schmuler of the Nitro Senior Citizens. Mr. Schmuler presented Council with a request for \$10,000.00 to \$20,000.00 from the City budget to go toward the Nitro Senior Citizens. Mayor Rusty Casto stated that if the proposed budget passes the Senior Citizens will receive \$20,000.00. City Treasurer Ralph Allison reported on the proposed budget. It will include a \$5.00 per month increase to the Municipal Service Fee, a two percent increase in the Cable TV Franchise Fee, a three percent raise to all employees except the Police Department. This raise will also include Robin Smith and Amy Fulks who work in the Police Department. The Senior Citizens will receive \$20,000.00, there will be \$1,000.00 for a drug testing kit for the court, \$9,600.00 for air packs for the Fire Department, \$90,000.00 for the paving fund, and a lease purchase of a new garbage truck. Mayor Rusty Casto stated that the budget should be changed to lower the paving fund to \$85,000.00 and include \$5,000.00 for a truck for the Fire Chief. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE BUDGET WITH THE PROPOSED CHANGES, SECONDED BY COUNCILMAN AT LARGE BILL CLARK. VOTING FOR THE BUDGET WERE COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, AND COUNCILMEN A.A. "JOE" SAVILLA AND TIM HARRISON. THE MOTION WAS OPPOSED BY CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP, AND COUNCILMEN BILL RACER AND MARK GOODALL. MAYOR RUSTY CASTO VOTED IN FAVOR WHICH BROKE THE TIE. THE MOTION WAS CARRIED.

COPY OF BUDGET ATTACHED.

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

COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ORDER A NEW GARBAGE TRUCK, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

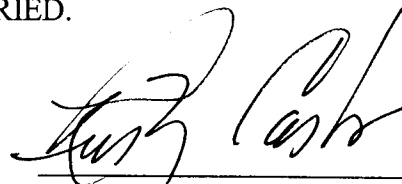
AGENDA ITEM NO. 6 – TROY GIATRAS, ATTORNEY: Mark French stood in for Attorney Giatras who was absent. Mr. French reported on several items they are working on and hope to have finalized by the next Council Meeting.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS:

Councilman Tim Harrison requested to be placed on the agenda for the next Council Meeting.

Councilman A.A. "Joe" Savilla scheduled an Annexation Committee Meeting to be held on Thursday March 24, 2005 at 7:00 pm in Council Chambers.

There being no further business to discuss COUNCILMAN AT LARGE
BILL CLARK MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN
A.A. "JOE" SAVILLA AND WAS CARRIED.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 04-_____

AN ORDINANCE TO REPEAL ANY REFERENCE IN THE CODIFIED ORDINANCES OF THE CITY OF NITRO TO ANY AND ALL SECTIONS OF ARTICLE 24, CHAPTER 8, OF THE CODE OF WEST VIRGINIA, 1931, AS AMENDED, ALL RELATING TO LAND-USE PLANNING, WHICH HAVE BEEN REPEALED BY THE WEST VIRGINIA LEGISLATURE, AND TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF NITRO BY ADDING THERETO REFERENCES TO A NEW CHAPTER OF THE CODE OF WEST VIRGINIA, DESIGNATED 8A, ENACTED BY THE WEST VIRGINIA LEGISLATURE ON MARCH 13, 2004, IN EFFECT JUNE 11, 2004.

WHEREAS, Planning land development and land use is vitally important to a community; and

WHEREAS, The Legislature has recognized this importance by amending the land-use planning sections of the West Virginia State Code to encourage and recommend that governing bodies of municipalities and counties have a plan and vision for the future and an agency to oversee it.

THEREFORE, Those portions of the Codified Ordinances of the City of Nitro relating to land-use planning that refer to provisions of Article 24, Chapter 8 of the West Virginia Code are hereby repealed.

IT IS FURTHER ORDAINED That said City Code be amended to conform with the new provisions of Chapter 8A of the West Virginia State Code, 1931, as amended.

Passed this _____ day of June 2004.

Adopted this _____ day of July 2004.

Rusty Casto, Mayor

Joan McClanahan, Recorder

ORDINANCE NO. 05-03
ORDINANCE AMENDING AND REENACTING AN ORDINANCE
ESTABLISHING RATES AND CHARGES
FOR SERVICES RENDERED BY THE
NITRO REGIONAL WASTEWATER UTILITY

WHEREAS, the City of Nitro, West Virginia, owns and operates a certain wastewater collection and treatment system in and around the City of Nitro, Kanawha and Putnam Counties, West Virginia, known as the Nitro Regional Wastewater Utility (herein the "Utility"), said Utility being under the direction of the Sanitary Board of the City of Nitro; and

WHEREAS, the Governing Body of the City enacted an Ordinance on March 19, 2002, which amended certain rates and charges for the use of the Nitro Regional Wastewater Utility; and

WHEREAS, the Sanitary Board, after consultation with the Joint Committee of City Council and the Sanitary Board, and by Petition duly filed with the Common Council dated January 25, 2005, proposes a new two step rate increase. The proposed first step represents a 13% increase over current rates to compensate for lost revenue resulting from the loss of customers and more conservative usage, to pay competitive wages, to add employees, and for other routine expenses of operation and inflation coverage calculated on the basis of 2% operation and maintenance expense for the succeeding three year period. This step is necessary to maintain the bond debt cover requirement on outstanding sewer revenue bonds, to cover projected revenue shortfall due to decreased usage of system by users, and to cover projected inflation expense.

The second step is necessary to implement, in part, the Sanitary Board's Combined Sewer Overflow ("CSO") plan which has been mandated by the West Virginia Department of Environmental Protection and the United States Environmental Protection Agency. The second step constitutes a 16.16% increase over the rates proposed in step one. It is proposed that the

second step be implemented one calendar year from the date of implementation of the first step increase. Step two will be applied to the 2005-2008 CSO projects, numbered one through four enumerated as follows:

Project No. 1: Line of Credit for expenses relative to advanced costs for project 1-4
Pump Station 21st Street

Project No. 2: Head Works
New Flow Meter Pit
Garage Maintenance Building

Project No. 3: Storm/Sanitary Sewer Separation

Project No. 4: Replace Pump Station #7

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

1. For one calendar year from and after the effective date of this Ordinance, the rates and charges for the use of and services rendered by the Nitro Regional Wastewater Utility shall be as follows:

First	2,000 gallons used per month \$7.96 per 1,000 gallons
Next	3,000 gallons used per month \$6.68 per 1,000 gallons
Next	25,000 gallons used per month \$5.19 per 1,000 gallons
All Over	30,000 gallons used per month \$4.67 per 1,000 gallons

Minimum Bill: \$15.92 based upon 2000 gallons.

Average Bill 4,000 gallons \$29.28

Residential Flat Rate: Each un-metered residential customer shall be charged a flat rate of \$30.49 per month.

2. From and after one calendar year from the effective date of this Ordinance, the rates and charges for the use of and services rendered by the Nitro Regional Wastewater Utility shall be as follows:

First	2,000 gallons used per month \$9.25 per 1,000 gallons
Next	3,000 gallons used per month \$7.76 per 1,000 gallons
Next	25,000 gallons used per month \$6.03 per 1,000 gallons
All Over	30,000 gallons used per month \$5.42 per 1,000 gallons

Minimum Bill: \$18.50 based upon 2000 gallons.

Average Bill: 4,000 gallons \$34.02

Residential Flat Rate: Each un-metered residential customer shall be charged a flat rate of \$35.42 per month.

3. In addition to the foregoing volume based rates, all customers of the Nitro Regional Wastewater Utility will also be subject to the fees and charges provided below from and after the effective date of this Ordinance:

Service Connection Inspection Fee:	\$25.00
Service Connection (Tap) Fee:	\$400.00

Delayed Payment Penalty: The above schedule is net. Any bill not paid in full within twenty (20) days, ten percent (10%) will be added to the net amount thereof. This delayed payment penalty is not interest and is only to be collected once for each bill where appropriate.

Disconnect Fee:	\$20.00
Reconnect Fee:	\$20.00

The above disconnect fee is applicable when the Nitro Regional Wastewater Utility requests that a customer's water service be disconnected for non-payment of the sewer bill, whether or not such service is actually disconnected.

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

Interest: In the event any bill is not paid within 30 days, interest on the amount of such bill will be charges at the rate of ten per cent (10%) per annum.

Return Check Charge: In the event any check, draft or order given in payment for a sanitary sewer bill is dishonored because of insufficient funds, a service charge of \$25.00 shall be imposed.

Surcharge for Roof Drains and Storm Sewers connected to the Nitro Regional Wastewater Utility: The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system of the Nitro Regional Wastewater Utility will be calculated on the basis of the following formula and will not be cumulative upon any metered rate for sewer service charges:

$$S = A \times R \times .6233 \times C$$

S - The Surcharge in Dollars.

A - The Average Area Under Roof or the Area of Such Other Water Collecting Surface Connected to the Sanitary Sewer System in Square Feet.

R - The Measured Monthly Rainfall in Inches: .6233 is the conversion factor to complete thousand gallons.

C - The Applicable Rate Per Thousand Gallons of Metered Water Usage.

4. The above rates and charges shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within or outside the corporate limits of the City of Nitro and having any connection to the sanitary sewer system of the Nitro Regional Wastewater Utility.

5. Any industrial customer served pursuant to a specific sewer service agreement shall be charged as provided in such agreement.

6. POCA RIVER SERVICE AREA – On and after June, 2001, being the date on which wastewater collection service was available to the residents of the Poca River Service Area, the rates and charges for the use of and services rendered to such customers by the sanitary sewer system of the Nitro Regional Waste Water Utility shall be equal to the regularly enacted rates and charges for all other users of the system, plus a surcharge in the amount of \$13.69 per month.

The above surcharge shall be applicable for any owner, tenant, or occupant of each and every lot or parcel of land or building situated within Poca River Service Area and having any connection to the sanitary sewer system of the Nitro Regional Waste Water Utility.

7. As a result of the Public Service Commission case number 03-1166-S-C styled as Kenneth Miller, v. Nitro Regional Wastewater Utility, a municipal utility; City of Nitro, a municipality; and Statewide Development, LLC; the City of Nitro and the Nitro Regional Waste Water Utility covenant and agree that in respect to service and/or equipment rendered by the Nitro Regional Wastewater Utility to the City of Nitro that the same shall be a charge to the City and the City agrees to pay for the same on the same bases as it would otherwise pay for such service.

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

Ordinance proposing two step rate increase

Passed on first reading

February 1, 2005.

Public hearing held

March 15, 2005.

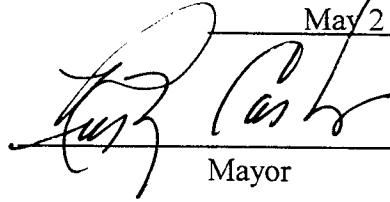
Adopted on Second reading

March 15, 2005.

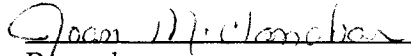
Effective date

May 2, 2005.

Attest:



Mayor



Recorder

CITY OF NITRO
BUDGET FOR THE YEAR ENDING JUNE 30, 2006

RECEIPTS:	PROPERTY TAX	961,746
	BUILDING PERMITS	25,000
	INSPECTION FEES	3,000
	PAR INDUSTRIES	168,000
	B & O TAX	875,000
	THF REALTY B & O TAX	76,000
	UTILITY TAX	260,000
	PARKS AND POOL	49,300
	LIQUOR TAX	24,000
	BUSINESS LICENSES	36,000
	DOG TRACK	402,000
	INTEREST INCOME	1,500
	CIVIC BENEFITS ASSOC	30,000
	RENT INCOME	16,100
	COURT COSTS	50,000
	LIBRARY FEES	900
	MUNICIPAL SERVICE	840,000
	FRANCHISE FEES	72,000
	COAL SEVERANCE	14,000
	REIMBURSEMENTS	165,800
	MISCELLANEOUS	1,000
		<u><u>4,071,346</u></u>

DISBURSEMENTS:	MAYOR	49,490
	CITY COUNCIL	39,093
	CITY RECORDER	27,427
	TREASURER	158,365
	BUILDING INSPECTOR	50,403
	CITY HALL	876,978
	POLICE DEPARTMENT	1,104,004
	MUNICIPAL COURT	60,110
	FIRE DEPARTMENT	665,522
	PUBLIC WORKS	924,070
	POOL	67,043
	LIBRARY	48,841
		<u><u>4,071,346</u></u>

CITY OF NITRO
COUNCIL MEETING MINUTES
APRIL 5, 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 City Attorney Troy Giatras. Absent was City Treasurer Ralph Allison.

COUNCILMAN TIM HARRISON GAVE THE INVOCATION.

COUNCILMAN MARK GOODALL LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 03-15-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE COUNCIL MEETING MINUTES OF MARCH 15, 2005, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

Councilman Tim Harrison requested that the spelling of Mr. Schambers last name be corrected.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto yielded the floor to Wanda Carney. Ms. Carney is with WV Wants to Know which is a private non-profit organization that looks at anything that consists of public monies. Ms. Carney stated that their organization has been contacted by a resident of Nitro and WV Wants to Know will be researching how money is spent by the City of Nitro.

AGENDA ITEM NO. 3 – KEMRON: Mayor Rusty Casto yielded the floor to Chris Amick of Kemron and David Hight of DEP. Mr. Hight gave an update on the former Smith-Street Landfill. Mr. Hight stated that they will give a presentation at the first Council Meeting in May. Chris Amick reported on the progress of the fence that is being installed around the perimeter of the former Smith Street Landfill. Councilman at Large Bill Clark reported that he had received a phone call concerning a privacy fence issue. Chris Amick stated that any privacy fences that are going to go up will have to be dealt with as a component of the DNR's program plans. Mr. Amick said the City is only obligated to repair or replace perimeter fencing.

AGENDA ITEM NO. 4 – LITTLE LEAGUE PARADE REQUEST: Mayor Rusty Casto yielded the floor to Ivan Meadows. Mr. Meadows addressed Council concerning having a Little League Parade on April 9, 2005 starting at 10:00 am and all Council members were given a letter detailing this request. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE LITTLE LEAGUE PARADE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 5 – SWIMMING POOL: Councilwoman at Large Brenda Tyler reported that the swimming pool is scheduled to open Memorial Day weekend weather permitting. Ms. Tyler stated that some of the cement was replaced last year and she would like to see that completed before the pool opening this year. Mayor Rusty Casto stated that the cost to finish replacing the cement would be \$5,000.00 and it will be paid for out of the Recreation Fund and fundraising. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO FINISH REPLACING THE CEMENT AT THE POOL BEFORE MEMORIAL DAY WEEKEND, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 6 – RALPH ALLISON: Not present.

AGENDA ITEM NO. 7 – TROY GIATRAS: City Attorney Troy Giatras stated that they are working on some matters with Building Inspector Bryan Casto, City Treasurer Ralph Allison, and the Police Department. They are working on an Ordinance with respect to the Gum Street property and also a claim with AIG Insurance. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO REMOVE FROM THE TABLE AN ORDINANCE TO ABANDON A PORTION OF GUM STREET, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

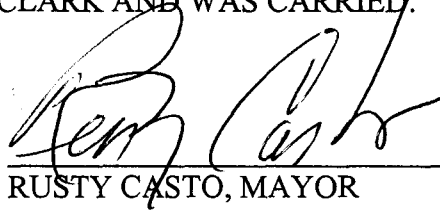
City Attorney Troy Giatras read the Ordinance by title only: AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, ALLEY, LANE ROAD OR OTHER PUBLIC RIGHT-OF-WAY A PORTION OF THAT CERTAIN RIGHT-OF-WAY KNOWN AND DESIGNATED AS GUM STREET IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1" RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE PENDING ANY NECESSARY CHANGES BY THE CITY ATTORNEY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

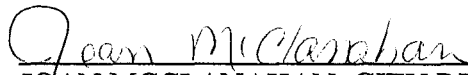
Councilman Bill Racer questioned about a bar that has gambling machines, but they do not have a City License to run those machines. City Recorder Joan McClanahan stated it is Nubs Bar. She said they have a license to operate as a bar, but not a license to operate their machines. Nubs Bar has already been given a letter concerning this matter. Ms. McClanahan stated that there is another business that may also be operating video lottery machines without a license. Attorney Giatras stated that we are awaiting opinions from the WV Supreme Court before moving any further on this question.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Tim Harrison requested to be placed on the agenda for the next Council Meeting.

There being no further business to discuss COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, CITY RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
APRIL 19, 2005

Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were 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. Absent were City Recorder Joan McClanahan and City Attorney Troy Giatras.

REV. JIM WRIGHT GAVE THE INVOCATION.

MARK SANDERS LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 04-05-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE APRIL 5, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: No one to introduce.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: Mayor Rusty Casto presented Rev. Jim Wright, Pastor of Marantha Fellowship, and his wife with the Citizen of the Month Award for their work on the Passion Play. They were presented a wall cross and dinner at Diehl's Restaurant, followed by a warm round of applause.

AGENDA ITEM NO. 4 – TIM HARRISON: Councilman Tim Harrison expressed concern that Council did not have ample time to review the Council minutes and agenda prior to Council Meetings. COUNCILMAN TIM HARRISON MADE A MOTION THAT THE AGENDA BE PREPARED 72 BUSINESS HOURS BEFORE THE COUNCIL MEETING AND THE MINUTES BE AVAILABLE WITHIN 48 HOURS AFTER THE COUNCIL MEETING. THESE ARE TO BE MAILED TO THE MEMBERS OF COUNCIL. COUNCILMAN AT LARGE BILL CLARK SECONDED THE MOTION AND IT WAS CARRIED.

AGENDA ITEM NO. 5 – RALPH ALLISON: City Treasurer Ralph Allison stated that the State Tax Department approved the City Budget, but the revenue was decreased by \$21,700.00. This decrease is due to the fact that there is a cap on the excess levy from a few years ago above which taxes cannot be assessed. An adjustment was made by the State to reduce the property tax by \$21,700.00 to prevent exceeding this cap. Mr. Allison stated that he did research and the Lottery revenue is better than anticipated. It is averaging over \$11,000.00 per week. Also the Municipal Service Fee revenue is averaging about \$1,000.00 per month more than anticipated. Mr. Allison suggested that budget adjustments be made to make up for the decrease imposed by the State.

COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO CHANGE THE LINE ITEM ON THE BUDGET, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO LAY THE LEVY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Levy rates attached.

City Treasurer Ralph Allison stated that he gave all Council Members and the City Attorney a copy of the City Agreement with THF REALTY.

AGENDA ITEM NO. 6 – TROY GIATRAS: Mark French, representing Troy Giatras stated that each Council Member was given a copy of the proposed ordinance for the Gum Street Abandonment. Two sentences have been changed since the first reading of the ordinance. Mr. French recommended that with these two inclusions the City proceed with the second reading of the ordinance. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO READ BY TITLE ONLY THE ORDINANCE CONCERNING THE GUM STREET ABANDONMENT, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Councilman A.A. "Joe" Savilla addressed Mark French concerning expenses incurred by the property owners for the transfer of property that is being abandoned. Mark French stated the property owners are only responsible for any expenses incurred with the transfer of the property and do not have to pay for the property.

Mayor Rusty Casto read the Ordinance by title only, AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, ALLEY, LANE ROAD OR OTHER PUBLIC RIGHT-OF-WAY A PORTION OF THAT CERTAIN RIGHT-OF-WAY KNOWN AND DESIGNATED AS GUM STREET IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE ORDINANCE CONCERNING THE GUM STREET ABANDONMENT, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

ORD. 05-04 - Copy attached

Mark French addressed Council concerning a lawsuit against the City of Nitro. He also stated that by Friday there will be a large packet of information given to each Council Member to review concerning year end information.

Mark French stated that he and Attorney Troy Giatras are working with City Treasurer Ralph Allison and city employee Audra Lewis concerning the FOIA request.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Councilman Tim Harrison stated that a wrestling organization in town is planning on addressing Council concerning their 4th Anniversary.

Councilman A.A. "Joe" Savilla apologized for missing the Nitro Lions Little League Parade as he had other commitments.

Councilwoman at Large Gertie Estep thanked the Mayor and others for having the Dewey Mann Gospel Sing. It was wonderful.

Councilwoman at Large Brenda Tyler stated that she will be giving City Treasurer Ralph Allison the \$1,470.00 raised for the Dewey Mann Memorial so that it can be deposited.

There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, CITY RECORDER

**LEVY PAGE - (Continued) FISCAL YEAR 2005-2006
EXCESS, BOND, OR PERMANENT IMPROVEMENT LEVY**Entity: CITY OF NITRO

Please Indicate type of Levy Authorized (Bond, Excess or Permanent Improvement)

	Column 3 Certificate of Valuation Assessed Value for Tax Purposes	Levy		Levy	Levy
		Levy Rate/\$100	Taxes Levied	Rate/\$100	Taxes Levied
Class I					
Personal Property	\$ _____		\$ _____		\$ _____
Public Utility	\$ _____		\$ _____		\$ _____
Total Class I	\$ _____		\$ _____		\$ _____
Class II					
Real Estate	\$ 74,182,870	11.62 <u>12.50</u>	\$ 86,200 92,729		\$ _____
Personal Property	213,378		248 247		\$ _____
Total Class II	\$ 74,396,248		\$ 86,448		\$ _____
Class IV					
Real Estate	\$ 72,823,960	23.27 <u>25.20</u>	\$ 169,243 182,000		\$ _____
Personal Property	37,778,016		11.016 40 69 5		\$ _____
Public Utility	11,180,628		25.984 27,954		\$ _____
Total Class IV	\$ 131,782,604		\$ 209,267 306 267		\$ _____
Total Value & Projected Revenue	\$ 206,178,832		\$ 209,267 306 267		\$ _____
Less Delinquencies, Exonerations, & Uncollectable Taxes		3%	21,123 176 76		\$ _____
Less Tax Discounts		1%	2,113 771		\$ _____
Net Amount to be Raised by Levy For Budget Purposes:		297,246 49 84 76		\$ _____

PLEASE CHECK ONE: THE EXCESS LEVY IS:

☐ NOT INCLUDED IN GENERAL FUND
☒ INCLUDED IN GENERAL FUND

 IF EXCESS LEVY IS INCLUDED IN GENERAL FUND:
 REPORT THIS TOTAL ON PAGE 4 IN ACCOUNT # 301-90:

\$ 397,316

ORDINANCE NO. 05-04

AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, ALLEY, LANE ROAD OR OTHER PUBLIC RIGHT-OF-WAY A PORTION OF THAT CERTAIN RIGHT-OF-WAY KNOWN AND DESIGNATED AS GUM STREET IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH RIGHT-OF-WAY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

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

WHEREAS, Gum Street is shown on a certain plat of the City of Nitro, however, said Gum Street has never been opened to public use as a thru street; and

WHEREAS, abutting property owners to Gum Street have requested that that portion of Gum Street which abuts their properties be abandoned; and

WHEREAS, on January 27, 2005, the Planning Commission for the City of Nitro approved the petitioners' request to abandon said portion of Gum Street; and

WHEREAS, on March _____, 2005, at a regular called City Council meeting, the City of Nitro, by its council, moved to abandon a portion of Gum Street and close that portion to public use and convey equal portions of Gum Street to the abutting property owners; and

WHEREAS, a public hearing was held on January 27, 2005, for the purpose of discussing the abandonment of a portion of Gum Street at which public hearing no one objected; and

NOW THEREFORE, be it ORDAINED by the Council of the City of Nitro, West Virginia, that a portion of Gum Street, situate in the City of Nitro, Kanawha County, West Virginia, more particularly bound and described and divided into two (2) parcels, as shown on "EXHIBIT A" and "EXHIBIT B" attached hereto, is hereby closed, abandoned and discontinued.

The City of Nitro hereby reserves a sewer easement for the full length and width of the above described right-of-way for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of subject right-of-way by more than one (1) foot without the

written permission of the Sanitary Board of the City of Nitro and the Building Inspector of the City of Nitro.

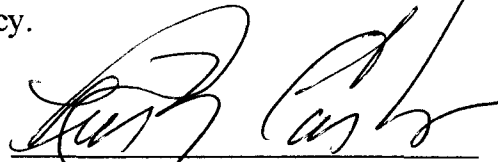
The Purchasers take possession of the land subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

The City of Nitro does not, in any way, warrant the title of the subject property conveyed.


The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge and deliver proper deeds conveying all right, title and interest in and to said portion of Gum Street in equal shares to said abutting property owners on the condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer and all other utilities crossing said real estate as described on "EXHIBIT 1" attached hereto, and upon payment by the petitioners of any legal fees due and owing to the City of Nitro for said abandonment.

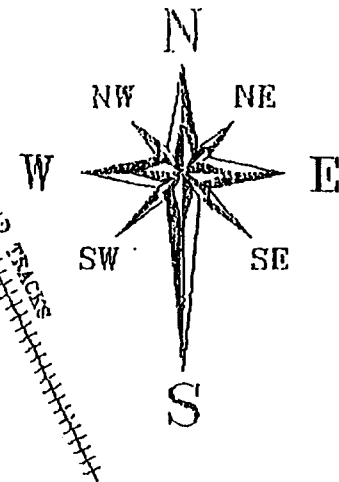
All ordinances, or part of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Passed on first reading: April 5, 2005


Mayor, City of Nitro

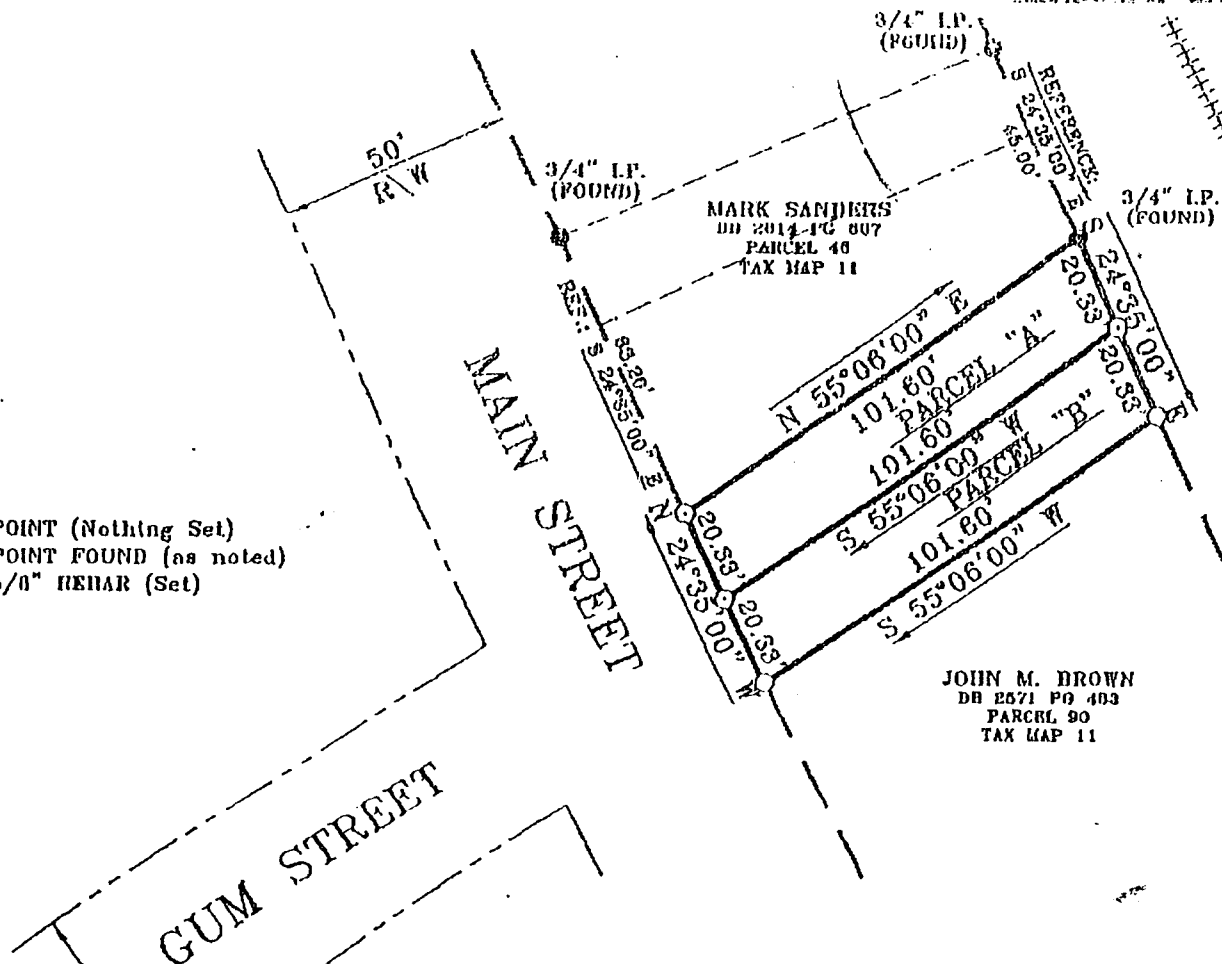
Passed on second reading: April 19, 2005


Recorder, City of Nitro



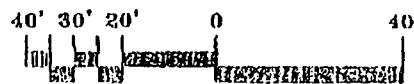
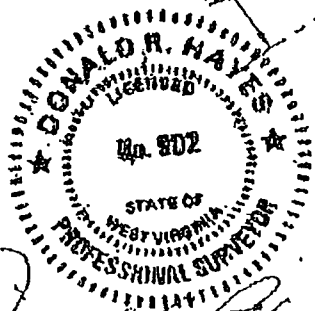
KEY

- DENOTES A POINT (Nothing Set)
- DENOTES A POINT FOUND (as noted)
- ⊙ DENOTES A 5/8" REBAR (Set)



A PLAT SHOWING

A SURVEY OF A SECTION OF GUM STREET TO BE ABANDONED BY THE CITY OF NITRO AND TO BE DIVIDED INTO TWO SMALLER PARCELS, BEING SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA.



SCALE: 1" = 40.00'

FEBRUARY 16, 2005

DONALD R. HAYES (P.L.G.) #902

Description
Parcel "A"

Beginning at a 3/4" iron pipe found in the western right-of-way of Consolidated railroad and being a corner to a tract of land known by Mark Sanders deed book 2614, page 607;

Thence, S 24° 35' 00" E, 20.33 feet, with said railroad property to a 5/8" Rebar set a corner to parcel "B";

Thence, S 55° 06' 00" W, 101.60 feet, with said parcel "B" to a 5/8" Rebar set in the Eastern right-of-way line of Main Street;

Thence, N 24° 35' 00" W, 20.33 feet, with said Main Street to a 5/8" Rebar set a corner to said Sanders land;

Thence, N 55° 06' 00" E, 101.60 feet with said Sanders line to the point of beginning as shown upon prepared by Donald R. Hayes, dated February 16, 2005.

Description
Parcel "B"

Beginning at a 5/8" Rebar set in the western right-of-way of Consolidated railroad and being a corner to parcel "A"

Thence, S 24° 35' 00" E, 20.33 feet, with said railroad property to a point being a corner to a tract of land owed by John M. Brown, deed book 2571, page 463;

Thence, S 55° 06' 00" W, 101.60 feet, with said Brown's land to a point in the Eastern right-of-way line of Main Street;

Thence, N 24° 35' 00" W, 20.33 feet, with said Main Street to a 5/8" Rebar set a corner to said parcel "A";

Thence, N 55° 06' 00" E, 101.60 feet with said parcel "A" to the point of beginning as shown upon prepared by Donald R. Hayes, dated February 16, 2005.

CITY OF NITRO
COUNCIL MEETING MINUTES
MAY 3, 2005

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, and Tim Harrison. Also present were City Attorney Troy Giatras and City Treasurer Ralph Allison. Absent were Councilwoman at Large Brenda Tyler and Councilman Mark Goodall.

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

COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 04-19-05 COUNCIL MEETING MINUTES: COUNCIL WOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO APPROVE THE APRIL 19, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED WITH CITY RECORDER JOAN MCCLANAHAN ABSTAINING AS SHE WAS ABSENT FROM THAT MEETING.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Casto yielded the floor to Matthew Thornhill. Mr. Thornhill addressed Council concerning the concert series that is scheduled to be held during the Nitro Antique Fair. He stated for the record that Paul McClanahan, Principal of Nitro High School, sent a letter to Mayor Rusty Casto and Police Chief Jack Jordan stating that Mr. Thornhill misrepresented the program that they were trying to do in Nitro for the Antique Fair and Craft Sale. Mr. Thornhill said that the proposal that he presented to and was approved by Council was the same information that he presented to Mr. Paul McClanahan. Mr. Thornhill denied that his company, Dymaxium or himself or anyone associated with his company misrepresented their intentions in any way. Mr. Thornhill stated that he has been trying to resolve this issue with Mr. McClanahan since April 25th when Mr. McClanahan summoned him to his office and told him he could no longer allow them to use the football field which according to Mr. Thornhill Principal McClanahan had shared with several City Council members that he did approve and he was on board with that. Mr. Thornhill said that apparently he (Mr. McClanahan) may be having some pre-senior moments. Mr. Thornhill stated that he felt it is not good for our children or our community to see its leaders and its citizens bickering. Mr. Thornhill said he felt they had enough of that and he needs to make the peace on this issue and move on. He requested that in lieu of the fact that Mr. McClanahan and the Kanawha County School Board have stated that they cannot use the football field; that he be given permission by Council to use the City Park adjacent to the football field to hold the concert series. Mr. Thornhill in closing apologized to the body of people present and the City Council if he had in anyway misrepresented or embarrassed the community. Councilman at Large Bill Clark stated that he did not think that Mr. Thornhill had misrepresented himself as the agreement was

to use the football field and also to charge \$1.00 for parking.. Councilman Clark said he feels we should go back and address the issue with Mr. McClanahan again. Mr. Thornhill told Councilman Clark that he appreciated that, but our community must see us pull together. Mr. Thornhill said he will not allow this man, referring to Principal McClanahan, to hold this community hostage. Mr. Thornhill said he needs to know he's not afraid of the neighborhood bully number one and number two I (Mr. Thornhill) am up against serious time restraints and I have no more time. Mr. Thornhill said he either needs to get it done or cancel it. Councilman Clark stated that he would make a motion that they have the concert series at the City Park and on the side they should go back and address the issue with Paul McClanahan. Mr. Clark said those bleachers have been full of football players and everyone else can withstand the pressure of those seats and he can't believe that all of a sudden they're not fit to sit in. Councilman Clark stated that they need to go back and address that. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO PROCEED WITH THE FESTIVITES AT THE CITY PARK ADJACENT TO THE FOOTBALL FIELD, SECONDED BY COUNCILMAN TIM HARRISON. Councilwoman at Large Gertie Estep questioned whether they were allowed to have a money making event at the park. Mayor Rusty Casto stated he thought it would be permissible if the Council voted to allow it and assuming they would get a share of the money. Ms. Estep asked if they shouldn't find out first before they vote on it. Mayor Casto stated that under emergency situations like this they have to move on it. Councilwoman Estep said she didn't want to go through this again. Mr. Thornhill said whatever they agree to he absolutely must have it in writing. Councilwoman Estep asked Mr. Thornhill if he had it in writing the last time. Mr. Thornhill stated that he did not; that Mr. McClanahan gave him a verbal agreement that was verified with several of the City Council members. Mr. Thornhill said that in his world a man's word is his bond and that the people who have agreed to come to this community; George Jones, Ronnie Millsap, Little Anthony and the Imperials, Tommy James and the Shondels, accepted this contract on Mr. Thornhill's word. Mr. Thornhill said to have his name and his professional reputation impugned is beyond his comprehension. Councilman Clark moved to make the motion to vote. Councilwoman Estep asked Mr. Thornhill how he could hold the concert series in the park. Mr. Thornhill said it will be festival seating where folks can bring their lawn chairs or blankets to sit on. Mr. Thornhill said he would like to thank Mr. McClanahan because he thought this arrangement would work even better because it will allow more citizens to attend. He further stated that they will have a stage brought in so that it would be high enough so that every seat in the park would be able to see. They will also bring in port-a-potties and have vendors selling refreshments. Mr. Thornhill said that in spite of Mr. McClanahan's position, it is still his intention to make the commitment to the Nitro High School Athletic Boosters that he promised; and he challenged Mr. McClanahan that he be man enough to show up on May 27th to pick up the check. A vote was taken and THE MOTION WAS CARRIED. Mayor Casto informed Mr. Thornhill that he can have the concerts at the City Park and he should let himself, Police Chief Jordan, and A.J. Hill, Director of Public Works know how they can help him.

Mayor Rusty Casto stated that Kemron asked to be moved to the top of the Agenda. COUNCILMAN TIM HARRISON MADE A MOTION TO RECOGNIZE

KEMRON AND MOVE THEM FROM AGENDA ITEM NUMBER SIX TO AGENDA ITEM NUMBER THREE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 3 – KEMRON: Chris Amick of Kemron Environmental Services and David Hight gave an update on the status of the project at the former Smith Street Landfill. This was followed by a question and answer session.

AGENDA ITEM NO. 4 – RALPH ALLISON: City Treasurer Ralph Allison informed Council that the annual dues for the Regional Intergovernmental Council will be billed July 1, 2005. Mr. Allison stated that the specific amount was not mentioned in the letter he received, but he thought it will be around \$1,800.00. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE PAYING THE ANNUAL DUES TO THE REGIONAL INTERGOVERNMENTAL COUNCIL, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mr. Allison stated that Mayor Casto furnished Council Members a copy of the Nitro Regional Wastewater Utility budget for fiscal year 2005 – 2006. COUNCILMAN BILL RACER MADE A MOTION TO APPROVE THE FISCAL YEAR 2005-2006 BUDGET FROM THE NITRO REGIONAL WASTEWATER UTILITY, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

2005/06 SANITARY BUDGET ATTACHED.

Mr. Allison stated that Council had voted on an increase for the Municipal Service Fee. He stated that the first month the bills are sent out with the increase everyone will be billed \$25.00 per month to start. Anyone who comes in and signs an affidavit stating they make \$16,000.00 or less a year in household income will qualify for a reduced rate of \$15.00 a month. The affidavit must be filled out. Mr. Allison stated that according to the Ordinance if someone is renting property they are responsible for the Municipal Service Fee. A Councilman suggested to him that the Ordinance be changed so that the owner of the property is responsible to pay the Municipal Service Fee. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADOPT THE MUNICIPAL SERVICE FEE ORDINANCE BY READING OF TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mayor Rusty Casto read the Ordinance by title only: ORDINANCE AMENDING PART SEVEN ARTICLE 741 MUNICIPAL SERVICE FEES.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ACCEPT THE ORDINANCE WITH AN AMENDMENT THAT THE PROPERTY OWNER BE RESPONSIBLE TO PAY FOR THE MUNICIPAL SERVICE FEE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

ORD. 05-05 - Copy attached.

AGENDA ITEM NO. 5 – TROY GIATRAS: City Attorney Troy Giatras stated that he had prepared a copy of the Surplus Property Ordinance to be reviewed by Council.

Attorney Giatras also stated language was changed in the Coca Cola agreement to allow West Virginia Law to apply as opposed to the law where the contract was made in another state. The confidentiality provisions were also removed. This agreement replaces the prior agreement that was given to Council Members.

City Attorney Giatras stated that he had been asked by Mayor Casto to look at a City of Nitro website called cityofnitro.com. Attorney Giatras said they did research and based on the Mayor's request they prepared a letter to be sent to the owners of the website and the host of the main website company asking them to cease and desist with respect to the cityofnitro.com website.

AGENDA ITEM NO. 6 – WANDA CARNEY: Wanda Carney stated that Tiffany Terry will be addressing City Council and they will have handouts available to the public after the meeting. Ms. Terry introduced herself to Council and stated that she is with West Virginia Wants to Know. She said that due to the recent turn of events and some actions being taken she will be the one representing their organization in the upcoming meetings as they bring information to the Council. Ms. Terry stated that they had been contacted by residents of the City to address certain financial issues and some other matters as they relate to the expenditure of City funds. She stated that they have just scratched the surface. They have not had the opportunity to get into an in-depth look into the financial records. Based on what they have looked at there are some huge red flags that really need to be addressed by City Council. Ms. Terry started with the cell phone usage by City employees. There are more than 47 cell phones for use in the City. She stated that City Council has every right to give every employee a cell phone if they so choose, but when those cell phones are being utilized for things other than City of Nitro business it has to be addressed. If they were talking about \$20.00 to \$60.00 over they would not even be discussing it this evening. She gave an example that there are cell phone records just from last month's bill alone there are adjusted charges of \$488.20. Actual charges were \$561.37 for one person. Ms. Terry said they have gone through and made a list of those. There are 13 individual cell phone numbers that appear to be being abused. The total billings just for last month for 13 phones came to over \$3,039.00. There are 32 phones being utilized by other city employees at cost of only \$1,741.00. She stated that she was sure you could see the concern there. If the other 13 phones were within the reasonable realm of usage you would be looking at annual savings of more than \$20,000.00. She stated that when City Council voted recently to increase Municipal Service Fees by \$5.00 a month she can see why residents are a little concerned about the lack of concern by Council Members as to monies that are not being utilized properly. Ms. Terry stated that after speaking with the Mayor he was unaware of the total cell phone usage and perhaps members of Council are as well. She stated that she and Ms. Carney met with the Mayor today and hopefully there will be some policies and controls set in place so that the City will be able to realize that savings, several thousand dollars a month.

Ms. Terry also addressed concern with individuals who have been employed to do work for the City that are not on payroll, with no withholding being held. These individuals don't own businesses. There could be a problem with the State Tax Department. These individuals need to be made aware of their obligation to report this income to the State Tax Department.

Ms. Terry stated that there is another issue with officers and their vehicles. It is her understanding that officers are assigned their own vehicle and they take these homes. A problem they ran into with another municipality was that the officers were unaware that when they utilize those vehicles to take them home they are under an obligation to report that as income. City Council may want to make officers aware of that because they may choose not to take the vehicles home. Ms. Terry said it is an awareness issue.

Ms. Terry addressed purchasing policies and procedures. She noticed that on the same evening that Council voted to raise Municipal Service Fees by \$5.00 a month, there was a vote in the same motion to make the purchase of a vehicle for the Fire Chief. It was reported at that meeting that the vehicle would cost \$5,000.00. To her knowledge that was what City Council voted on and approved. Ms. Terry stated that there is a Purchase Order now for that vehicle for \$22,000.00. Councilman at Large Bill Clark stated that the real deal was it was \$5,000.00 a year spread over the next four years. He said if we check the minutes he was sure the Recorder will have that. City Recorder Joan McClanahan said no it isn't. Councilman Clark asked isn't that the way you understood it, where do you buy a new vehicle for \$5,000.00? Tiffany Terry told Councilman Bill Clark that she is just presenting information and if he would like to comment on anything she has to say he's free to do it afterward. Mr. Clark replied that Ms. Terry needed to come prepared and that should include re-examining the minutes of the meeting she is referring to. Ms. Terry said she had the minutes right there. Mr. Clark told her to re-examine them because they voted on \$5,000.00 a year for the next five years for \$20,000.00; he had the invoice. City Recorder Joan McClanahan said she didn't. Mr. Clark said let's go back to the tape, not something Ms. Terry has in writing. The tape is the only thing that we can actually be sure of. Recorder Joan McClanahan said the tape is in her office. Ms. Terry stated that what she had were the official minutes that were placed in the minute book for the City of Nitro. Councilman Clark said he couldn't help that. He said we agreed five grand a year. He then asked, did we not agree five grand a year. Councilman A.A. "Joe" Savilla said that's exactly right, it was for a lease purchase. City Recorder Joan McClanahan said no, we never discussed it. Mayor Rusty Casto said that Ms. Terry still has the floor. Tiffany Terry said that what she had were the official minutes that are placed in the council meeting minute book. She said this is what reports what took place in the meeting. If there is a problem with whoever is transcribing these; the minutes were voted on and approved at the next meeting, these minutes were approved. Councilman Clark said then go back and look at the transcripts from the meeting. Ms. Terry quoted what the minutes said "Mayor Casto said that the budget should be changed to lower the paving fund to \$85,000.00 and include \$5,000.00 for a truck for the Fire Chief. Councilman Clark said that would be for a year. Ms. Terry told Councilman Clark that if that was the case then let's just get it on the record.

Councilman Clark asked Ms. Terry why she wanted to come in and try to slam them for buying a vehicle for \$5,000.00 and the paving is \$80,000.00 a year. He asked the Mayor if he was right. Recorder Joan McClanahan stated that they were only passing a one year budget. Councilman Clark said they were talking about an annual budget of \$5,000.00 a year. Ms. Terry asked the Mayor if he could maintain control of the Council Members. Councilman Tim Harrison called for point of order on the floor. Mayor Casto stated that Ms. Terry had the floor. Councilman Harrison stated that he called point of order he didn't care if she did have the floor. Councilman Clark said Councilman Harrison called point of order, he gets the floor. Councilman Harrison said he wanted to ask Treasurer Ralph Allison a question. Mayor Casto asked Ms. Terry if she was finished so Councilman Harrison could ask his question. Ms. Terry said she was not finished, but she would yield the floor for a moment for the question to be asked. Councilman Tim Harrison asked Mr. Allison if he had any idea, any projections at all of the liability the City will incur if Chief continues to use his personal vehicle as he is right now. Ms. Terry said that isn't an issue. Councilman Harrison stated it is an issue because this is a small town, but we're not that small. Our Fire Chief is using his personal vehicle; he doesn't have to do that, but he's doing it. He's endangering himself and his family by having the bunker gear stowed in there and any contaminates that may come with that. Mr. Harrison stated that the City faces a severe liability and \$5,000 won't give him anything but a gold Honda with a yellow light on top. \$5,000.00 for five years, that was the deal, check the tapes. Mr. Harrison said we're a small town, but we don't have small minds and nobody on the Council thinks they can get an adequate vehicle for \$5,000.00. Ms. Terry said she agreed with him. Mayor Casto said Ms. Terry's point was that the minutes should say that. Ms. Terry said that there were three Council Members there who were unaware and when she spoke with the Mayor previously about the issue he was unaware that there was any lease purchase agreement. She said if that was the case then there are three Council Members here who say they hear something, but when the records reflect what took place; Councilmen Clark, Harrison, and Savilla evidentially heard something different. Councilman Clark asked Ms. Terry if she knew how the vote went that night. Ms. Terry stated that it was tied and the Mayor broke it. Councilman Clark said he wanted to bring up a point. He said if the other people voted against that; thought the City could get a vehicle for \$5,000.00, how smart are those Council Members to vote down something like that? He said you mean to tell me these Council Members didn't know it was \$20,000.00; they wouldn't even ok a \$5,000.00 vehicle for the Fire Chief. Ms. Terry said that was not the only item they were voting on. Councilman Clark said they vote one item at a time. Recorder Joan McClanahan stated that was part of the budget. Councilman Clark said they voted for him to have the fire truck only. Ms. Terry said not according to the minutes. Recorder Joan McClanahan said that was in the budget, we voted on the budget and that was part of it. Councilman Clark said no. Ms. Terry asked City Treasurer Ralph Allison if the truck was put out to bid. She stated if that was put out for bid she would like to go on record now requesting a copy of those three bids that is required by law. Mayor Rusty Casto stated that to the best of his knowledge it was not put out for bid. Councilman Bill Clark stated that he understood Crown Pontiac bid on one vehicle too, was the word he got. Ms. Terry told Councilman Clark that there again he had information that the other Council Members and the Mayor are unaware of. Councilman Clark said that was the understanding he got, that Crown

Pontiac did bid on it and they have the paper work to prove so. Ms. Terry said she hoped they do. Mayor Casto stated that it was not brought to Council. He thought they were going to wait until after July 1st and he found out from Recorder Joan McClanahan Friday evening that the City already bought the vehicle. Mayor Casto asked Ms. Terry to continue. Ms. Terry said they know it wasn't bid, but Councilman Clark is saying there was a bid, not necessarily the three required by law. Councilman Clark stated that he didn't say there was a bid, he said don't put him on record it went out for bid. He said he told Ms. Terry there was another invoice.

Ms. Terry stated that these are issues the Council needs to take seriously. When there is money being wasted, when you can look at one line item and realize the cost savings. She stated that just looking at 13 of the 47 people who are utilizing cell phones you could realize a savings of more than \$20,000.00 a year. She stated that the City is raising fees on citizens and she would think the citizens would want a closer look before the Municipal Service Fees are raised. If the City would clean up some of the money that is not being utilized properly; possibly there wouldn't even have been a need for an increase in the Municipal Service Fee. Ms. Terry stated that she will be back once the financial records have been reviewed. She said the citizens of Nitro will be made aware of how their money is being utilized. Councilman Tim Harrison asked if Tiffany Terry had copies available for Council to see. Ms. Terry replied to Councilman Harrison that he should be receiving that information monthly and if he wasn't he should take it up with the Mayor and City Treasurer Ralph Allison. She said if he isn't receiving information on what the City is spending on a monthly basis; if she was a citizen in this town she would be very concerned about how the money is being spent if he doesn't even know what is being spent.

Mayor Casto asked if there were any more questions for Ms. Carney or Ms. Terry. Councilman Bill Clark requested to ask about the phone calls one more time. Councilman Clark asked Ms. Terry how many phones there were in the whole city. Ms. Terry stated that she provided him with a list before the meeting. After rude comments were made from the audience Ms. Terry stated that she would not answer any more questions from Councilman Clark. Mayor Casto thanked Ms. Carney and Ms. Terry for stopping by and stated that he appreciated the time they spent. He also stated that he will be discussing with individual members of Council some ideas he has on the abuse of the cell phones. Councilman Savilla interrupted the Mayor to say purported abuse. Mayor Casto said he would discuss it over the next two weeks with Attorney Giatras and Treasurer Allison and bring up at the next Council Meeting. Councilman Bill Clark asked why the list they were given of the cell phone use by city employees did not include the Mayor's cell phone use. Mayor Rusty Casto stated his cell phone is not with that company. Tiffany Terry agreed that the Mayor is not with the company they were looking at records for. Councilman Clark asked if they were paying for the Mayor's cell phone. Mayor Casto replied that he thought his cell phone bill was \$70.00 one month. Councilman Clark responded to the Mayor "You think it was". He further stated that they did not have his cell phone usage information. Councilman Clark said the Mayor is turning over all the City files to Ms. Carney and Ms. Terry. Mayor Casto stated that he had no choice. Ms. Terry stated that it is public information. Councilman Clark stated he

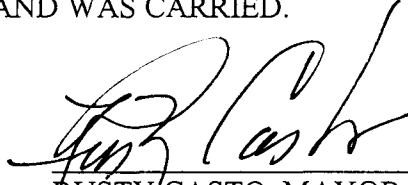
knew that. He said the Mayor is helping turn over all these files and for some reason the Mayor's cell phone isn't on the list. Councilman Clark stated that the Mayor uses his phone 24/7 from 2:00 in the morning until 2:00 in the afternoon, but he could not make his cell phone available to Ms. Carney. Tiffany Terry stated that she did have those records and she apologized to Councilman Clark for not putting them on the list. She told Councilman Clark she would bring them at the next meeting. Councilman Clark stated that it is coincidental that the Mayor would help out with all the investigation, but cannot get his telephone usage on the list. Councilman Clark said he can assure you that it will be high; calling everybody from the girls at the swimming pool to the guy down at City Hall. Ms. Terry said that is not true, they have reviewed his records. Councilman Clark said he knows Rusty Casto and he knows how much he uses his telephone and he is appalled that the Mayor did not have his information on the list. Councilman Clark said he was offended that the Mayor could not disclose his bills with the Freedom of Information. Ms. Terry stated that the Mayor did disclose his information. Councilman Clark asked Ms. Terry where the information was. Ms. Terry said it is in their files. Councilman Clark told Ms. Terry he wanted her to pull the Mayor's information out because he thought it would shadow some of the phone calls on the list she provided. Ms. Terry stated that it would not, they have already checked that. Mayor Casto stated he did not know why his information was not on the list. Ms. Terry said that she was looking at the Nextel billing only. Mayor Rusty Casto stated that he thought his bill came to \$60.00 one month and \$65.00 or \$70.00 the next month and that he had no idea why his information was not on the list. Ms. Terry stated that she was looking at the Nextel billings only and that she would be more than happy to have the Mayor's information highlighted at the next meeting. Ms. Terry stated that the Mayor's cell phone usage is within range, that it is not one they would red flag. Ms. Terry said she would put Mayor Casto's information on their website at www.wantstoknow.com before midnight tonight in full. She stated that there is nothing out of the ordinary, but if there was the Mayor would have been the first person they would have spotlighted and brought to the media. Councilman Clark said what catches his attention is that it mentions the Mayor's name on the list, but not his information. Mayor Casto told Councilman Clark not to grab for straws because he cussed the girls out at the donut shop.

AGENDA ITEM NO. 7 – MAYOR'S COMMENTS: Mayor Casto announced that Sunday May 8, 2005 will be Nitro Day at the West Virginia Power and Charlton Jordan will be singing the National Anthem. He hoped everyone could make it to the game.

Councilman Tim Harrison stated that he really didn't know what to say. Mayor Casto replied that was nothing unusual. Councilman Harrison said that the Mayor had better watch his step in that seat. Mayor Casto stated that Mr. Harrison didn't scare him.

Councilman Bill Clark stated that he hoped when Tiffany Terry posted the Mayor's information on the website he hoped she posted more than one month, that she post nine like she did on the list. Ms. Terry stated that she would post them all.

There being no further business to discuss, COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

NITRO REGIONAL WASTEWATER UTILITY

Fiscal Year Budget 2005-2006

ACCOUNT NAME	ACCOUNT NO.	BUDGET	MONTHLY BUDGET
DOMESTIC SERVICE	3101	\$1,631,085	\$135,924.00
INDUSTRIAL SERVICE	3131	\$2,585	\$215.00
PENALTIES	3170	\$45,028	\$3,752.33
INTEREST INCOME	3201	\$29,673	\$2,472.75
UTILITY TAX INCOME	3300	\$18,943	\$1,578.58
MISCELLANEOUS INCOME	3162	\$31,200	\$2,600.00
TOTAL INCOME		\$1,758,514	\$146,543
BILLING COLLECT/ACCT.	7951	\$48,672	\$4,056.00
EQUIPMENT RENTAL	7036	\$2,000	\$166.67
LABOR & RELATED EXPENSES	8007	\$727,860	\$60,655.00
MISC. GENERAL EXP.	8010	\$23,041	\$1,920.08
PLANT OPERATING EXPENSE	7461	\$4,800	\$400.00
PROPERTY & LIABILITY INS.	7980	\$43,898	\$3,658.17
RENT	8030	\$8,400	\$700.00
SHOP & LAB	7246	\$8,374	\$697.83
SLUDGE RELATED	7441	\$17,379	\$1,448.25
SPECIAL SERVICES	7970	\$40,000	\$3,333.33
SUPPLIES	7930	\$20,000	\$1,666.67
SYSTEM MAINT. & REPAIR	7952	\$66,574	\$5,547.83
UTILITIES	7934	\$122,369	\$10,197.42
VEHICLE EXPENSES	7931	\$36,966	\$3,080.52
DEBT SERVICE		\$422,219	\$35,184.92
RESERVE & REPLACEMENT		\$165,962	\$13,830.17
TOTAL EXPENSE		\$1,758,514	\$146,543

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

WHEREAS, the City of Nitro declares the necessity and convenience to increase the rate for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation, and garbage and refuse collection (excluding sewage and sewage disposal and other essential municipal services).

NOW THEREFORE, BE IT ORDAINED, that the City of Nitro hereby amends Part Seven Article 741 titled "Municipal Service Fees" as follows:

741.01 IMPOSITION; RATE

(a) There is hereby levied and shall be collected a charge against residential users of municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation and garbage and refuse collection (excluding sewage and sewage disposal and other essential municipal services). The charge for such services shall be at the rate of Twenty Five Dollars (\$25.00) per month for each single-family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit of apartment, whether or not occupied.

There is hereby levied and shall be collected a charge against commercial users of municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service,

recreation and garbage and refuse collection, (excluding sewage and sewage disposal and other essential municipal services). The minimum charge for such services shall be at a rate of Twenty Five Dollars (\$25.00) per month for each commercial business, per unit, and in buildings where there are more than one commercial business unit, firm or corporation, each unit or business unit, form or corporation shall be considered as a separate unit with respect to service rendered under the terms hereof, and with the duty of subscribing for service and paying for service to the respective commercial unit. Any business establishment requiring collection of garbage or refuse more frequently than once a week or having more than One Hundred (100) Pounds per week shall enter into a separate agreement with the City (**Board of Public Works Director**) and the fees for said collection shall be negotiated with the City. The minimum monthly charge of Twenty Five Dollars (\$25.00) is hereby levied and shall be collected against all business entities within the City whether said business entities use City services relative to garbage and refuse collection or contracts with others for the same service.

(b) The City Treasurer shall be charged with the duty of mailing a statement on a monthly basis to each residence and business to be charged with the municipal fee hereby imposed for the fee due for the preceding month, but failure to mail any statement for monthly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Treasurer at least as frequently as once each month and any such statement may be consolidated by

the Treasurer with statements for other municipal fees and services due from such person or business entity. If a monthly statement is mailed by the Treasurer, it may be mailed each month on a date selected by the Treasurer but the Treasurer shall render the monthly billing to such person or business entity in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty days.

(c) Subject to such reasonable regulations as may be promulgated by the City Treasurer and approved by City Council, the record owner of the property upon which a single-family residence or business is situate shall be presumed to be the user of municipal service rendered for the benefit of such property or business and the record owner shall be liable to the City for such charges; the tenants or occupants of the business units or of the multi-business complex or residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such municipal services and shall be liable to the City for such charges. However, in the event that a business unit or business unit of a multi-business complex or a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied, then and in that event, the record owner of the property upon which such multi-business unit or multi-family dwelling or apartment house is situate shall be presumed to be the user of the municipal services provided to each such unoccupied unit and shall be liable to the City for such charges. Subject to such reasonable regulations as may be promulgated by the City Treasurer as aforesaid, the record owner of the property upon which

such multi-business unit, multi-family dwelling of apartment house is situate shall be charged with the responsibility of collecting in advance the charge imposed by this section from the tenants or occupants of such business units, dwelling units, or apartments and properly remitting same to the City Treasurer and shall be liable to the City in the amount of such charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

(d) When the aggregate gross income of all persons residing in a single family residential unit maintained and occupied by a resident of the City during the preceding calendar year of the City shall be less than Sixteen Thousand Dollars (\$16,000.00), the rate to such residential unit during such fiscal year shall be reduced to Fifteen Dollars (\$15.00) per month, provided, that the resident who occupies such domestic establishment makes an application for such rate to the City Treasurer and files therewith an affidavit pertaining to the relevant facts. The rate and charge shall become effective the first day of the month following approval of the application.

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

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

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

(g) All accounts shall be considered delinquent if not paid by the last day of each following month for which the service is rendered. All delinquent accounts are subject to stoppage of service with notice. Any billing unpaid by the last day of the following month for which the services were rendered shall, in addition, be charged a delinquent fee amounting to ten percent (10%) of the unpaid billing. After the delinquent fee has been assessed, the City shall notify

the customer by letter and inform the customer of the amount owed; the failure to pay the amount in full within ten days will result in termination of service; and that amount will be collected through legal proceedings with the attorney fees of the City added thereto. The City shall have the power to waive any delinquency or interest charge, if in the City's discretion, such action is warranted.

Passed on the First Reading on

May 3, 2005

Adopted on Second Reading
on the 21st day of June, 2005,
after a public hearing held immediately
prior to regular

Meeting of Council, on the
21st day of June, 2005.

Mayor

City Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES
MAY 17, 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 were City Attorney Troy Giatras and City Treasurer Ralph Allison.

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

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 05-03-05 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO APPROVE THE MAY 3, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED WITH COUNCILWOMAN AT LARGE BRENDA TYLER AND COUNCILMAN MARK GOODALL ABSTAINING.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Councilwoman at Large Brenda Tyler read a letter addressed to Mayor Rusty and City Council from Ivan Meadows, President of Nitro Lion's Little League, requesting that the City of Nitro sponsor a party for the 9, 10, and 11 year old Girl's Softball State Tournament to be held at the Nitro City Park. This would include use of the Nitro City Pool and a cook out on July 15, 2005 from 6:30 to 9:00 pm. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION FOR THE CITY TO SPONSER A POOL PARTY AND COOK OUT FOR THE 9, 10, AND 11 YEAR OLD GIRL'S SOFTBALL STATE TOURNAMENT ON JULY 15, 2005, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

AGENDA ITEM NO. 3 - CITIZEN OF THE MONTH: Mayor Rusty Casto stated that Earl Benton will be presented with the Citizen of the Month award at the next Council Meeting. Mr. Benton is a Nitro citizen who was instrumental in helping develop the famous Iwo Jima picture from WWII.

AGENDA ITEM NO. 4 – APPROVAL/PLANNING COMMISSION MINUTES 5/12/05: COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO APPROVE THE MAY 12, 2005 PLANNING COMMISSION MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

MINUTES ATTACHED

AGENDA ITEM NO. 5 – WV WANTS TO KNOW: Mayor Casto yielded the floor to Tiffany Terry of WV Wants to Know. Ms. Terry addressed Council regarding some of the City's financial information. Ms. Terry stated that the City has over \$124,000.00 in uncollected Municipal Service Fees. She suggested that the City take measures to collect these delinquent fees especially given the fact that the rates for this fee are increasing \$5.00 a month. Ms. Terry further stated that the City does not utilize its City Court as much as it could. There are increased City costs when the Police have to transport individuals to either Kanawha or Putnam County Courts rather than using the City Court. This causes the Police Department to have excessive overtime. Additionally Ms. Terry stated that the City loses the fines and fees imposed on these individuals since they stay at the county level. Ms. Terry reported that the order for a new vehicle for the Fire Chief that was disputed at the last Council Meeting has been cancelled. She expressed concern that it was implied at that meeting there was discussion at a prior Council Meeting that stated the truck would be a lease purchase. Upon reviewing the tapes from that meeting there was no mention that it would be a lease purchase. Ms. Terry also expressed concern over the lack of financial information given to the Council Members on a monthly basis. City Treasurer Ralph Allison had informed Ms. Terry that there is no monthly prepared statement of expenditures from the various City accounts. She encouraged Council Members to request that information on a monthly basis.

AGENDA ITEM NO. 6 – RALPH ALLISON: City Treasurer Ralph Allison stated that a second reading was needed on the Ordinance for the Municipal Service Fee increase. The first reading took place at the last Council Meeting. Mr. Allison stated that the landlord will be responsible for this fee and as such will be billed for this fee rather than the renter. If a renter has a lower income and completes a reduced rate form; the City will inform the landlord of this information and bill the landlord at the reduced rate. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO READ THE ORDINANCE FOR THE INCREASE IN THE MUNICIPAL SERVICE FEE RATE BY TITLE ONLY, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED. City Treasurer Ralph Allison read the Ordinance by title only: ORDINANCE AMENDING PART SEVEN ARTICLE 741 MUNICIPAL SERVICE FEES.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADOPT THE ORDINANCE FOR THE INCREASE IN THE MUNICIPAL SERVICE FEE, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

ORD. 05-05 – copy attached.

Councilwoman at Large Gertie Estep requested that City Treasurer Ralph Allison provide each Council Member with monthly financial statements from all City Departments.

AGENDA ITEM NO. 7 – TROY GIATRAS: City Attorney Troy Giatras reported that he had not received any requests for changes to either the Coca Cola Agreement or the Surplus Ordinance that were given to Council Members at the last

Council Meeting. Attorney Giatras stated that he will make any technical changes necessary to make them comply and present both items at the next Council Meeting. Councilman A.A. "Joe" Savilla asked Attorney Giatras concerning the Carriage Way Streets. Mr. Giatras stated he had a draft and needed to get the proper names of the associations there.

Councilman Bill Racer asked Attorney Giatras about the standing of the website cityofnitro.com discussed at the last Council Meeting. Attorney Giatras stated that on May 3, 2005 he prepared a memorandum concerning the legality or propriety of maintaining that website. Councilman Bill Racer stated that he did not feel the website represented either the City of Nitro or City Council. COUNCILMAN BILL RACER MADE A MOTION FOR CITY ATTORNEY TROY GIATRAS TO START LEGAL PROCEEDING ON THE CITYOFNITRO.COM WEBSITE, SECONDED BY COUNCILMAN MARK GOODALL. Councilwoman at Large Gertie Estep stated that she would like the website shut down within 48 hours. If it can't then she would like Attorney Giatras to start proceedings immediately in the Southern District of WV Federal Court. Attorney Giatras said it would most likely require an action in Federal Court for a cease and desist order. Mayor Rusty Casto asked Councilman at Large Bill Clark if he intended to change his website (cityofnitro.com). Councilman Clark stated he did not think it was appropriate to discuss the website at the Council Meeting. Mr. Clark said he discussed the website with his attorneys and the site will continue with only moderate changes to take care of things in an appropriate way. A vote was taken and the MOTION FOR ATTORNEY GIATRAS TO START LEGAL PROCEEDING ON THE CITYOFNITRO.COM WEBSITE WAS CARRIED.

Councilman Bill Racer asked Attorney Giatras what the standing was on the City law suit with Statewide Development. Attorney Giatras stated that they are still verifying facts and circumstances. He intends to report on his findings at the next Council Meeting.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Rusty Casto requested that a committee be formed with the Ward Councilmen and the Mayor to discuss usage of cell phones. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION THAT A COMMITTEE CONSISTING OF THE MAYOR AND WARD COUNCILMEN BE FORMED TO DISCUSS THE USE OF CITY CELL PHONES, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

Mayor Rusty Casto approached City Treasurer Ralph Allison concerning purchasing new flag poles in front of City Hall. Mayor Casto stated that children had swung on them and they are no longer usable. Councilwoman at Large Gertie Estep questioned whether it would be covered under the City's insurance.

Councilman Mark Goodall asked City Treasurer Ralph Allison the standing of Brim. Mr. Allison stated that he felt a Safety Director and Safety Program need to be in place so the City can benefit from insurance discounts. Councilman Mark Goodall

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Councilman Mark Goodall asked City Treasurer Ralph Allison the standing of Brim. Mr. Allison stated that he felt a Safety Director and Safety Program need to be in place so the City can benefit from insurance discounts. Councilman Mark Goodall

requested a meeting of the Safety Committee be scheduled concerning this matter. A meeting was scheduled for Thursday May 19, 2005 at 7:00 pm. Councilman Goodall suggested that the committee formed to investigate cell phone usage also address other issues that WV Wants to Know has raised. Mr. Goodall stated it would be an opportunity to make improvements and change things that could save the City money. He also thanked Tiffany Terry for the work she has done. Mayor Rusty Casto stated that it might be best to wait to address other issues until the final report is received from WV Wants to Know.

City Recorder Joan McClanahan reported that City Treasurer Ralph Allison had passed out a memo concerning accidents and other things that are driving the insurance premiums up. Ms. McClanahan said it would be good for all Council Members to review this information to find ways to make changes that could potentially lower the insurance rates.

Councilman A.A. "Joe" Savilla requested that the weeds be removed at the BMX Track.

Councilwoman at Large Gertie Estep questioned how much the concrete work done at the pool is costing the City. She asked if the City would be able to get grants to help pay for that. Mayor Rusty Casto stated that once the contract with Coca Cola goes through the City will have \$12,000.00 reimbursed back. Mayor Casto stated the work had to be done now before the pool opened so the City is extending credit to the Recreation Department and now they have to raise the money to pay it back. Councilwoman Estep questioned the hiring of two new police officers. Mayor Casto stated that those officers are replacing Mike Chatterton who recently retired and Officer Withrow who went to Homeland Security.

Councilman at Large Bill Clark stated that he accepted Council's apology for starting the Council Meeting early. Mr. Clark stated he had to coach a baseball game and arrived at the meeting at 7:27. He did not appreciate the meeting starting early. Mayor Rusty Casto stated he thought it was 7:30 when the meeting started.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR A CLOCK TO BE PLACED IN THE COUNCIL CHAMBERS.

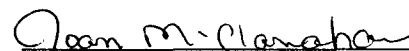
Councilwoman at Large Brenda Tyler requested to be put on the agenda for the next Council Meeting to discuss either a vehicle for the Fire Chief or reimbursement for mileage on his vehicle.

City Recorder Joan McClanahan stated that a larger room needs be used for Council Meetings given the fact that not everyone who attends is able to be seated in Council Chambers. City Recorder Joan McClanahan suggested moving the meetings to the Auditorium that is in the same building. Mayor Rusty Casto said he would have to check with the Building Authority to see if the room is available. He stated it would be put on the agenda for the next Council Meeting.

There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO DISMISS, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

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

WHEREAS, the City of Nitro declares the necessity and convenience to increase the rate for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation, and garbage and refuse collection (excluding sewage and sewage disposal and other essential municipal services).

NOW THEREFORE, BE IT ORDAINED, that the City of Nitro hereby amends Part Seven Article 741 titled "Municipal Service Fees" as follows:

741.01 IMPOSITION; RATE

(a) There is hereby levied and shall be collected a charge against residential users of municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation and garbage and refuse collection (excluding sewage and sewage disposal and other essential municipal services). The charge for such services shall be at the rate of Twenty Five Dollars (\$25.00) per month for each single-family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit of apartment, whether or not occupied.

There is hereby levied and shall be collected a charge against commercial users of municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service,

recreation and garbage and refuse collection, (excluding sewage and sewage disposal and other essential municipal services). The minimum charge for such services shall be at a rate of Twenty Five Dollars (\$25.00) per month for each commercial business, per unit, and in buildings where there are more than one commercial business unit, firm or corporation, each unit or business unit, firm or corporation shall be considered as a separate unit with respect to service rendered under the terms hereof, and with the duty of subscribing for service and paying for service to the respective commercial unit. Any business establishment requiring collection of garbage or refuse more frequently than once a week or having more than One Hundred (100) Pounds per week shall enter into a separate agreement with the City (**Board of Public Works Director**) and the fees for said collection shall be negotiated with the City. The minimum monthly charge of Twenty Five Dollars (\$25.00) is hereby levied and shall be collected against all business entities within the City whether said business entities use City services relative to garbage and refuse collection or contracts with others for the same service.

(b) The City Treasurer shall be charged with the duty of mailing a statement on a monthly basis to each residence and business to be charged with the municipal fee hereby imposed for the fee due for the preceding month, but failure to mail any statement for monthly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Treasurer at least as frequently as once each month and any such statement may be consolidated by

the Treasurer with statements for other municipal fees and services due from such person or business entity. If a monthly statement is mailed by the Treasurer, it may be mailed each month on a date selected by the Treasurer but the Treasurer shall render the monthly billing to such person or business entity in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty days.

(c) Subject to such reasonable regulations as may be promulgated by the City Treasurer and approved by City Council, the record owner of the property upon which a single-family residence or business is situate shall be presumed to be the user of municipal service rendered for the benefit of such property or business and the record owner shall be liable to the City for such charges; the tenants or occupants of the business units or of the multi-business complex or residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such municipal services and shall be liable to the City for such charges. However, in the event that a business unit or business unit of a multi-business complex or a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied, then and in that event, the record owner of the property upon which such multi-business unit or multi-family dwelling or apartment house is situate shall be presumed to be the user of the municipal services provided to each such unoccupied unit and shall be liable to the City for such charges. Subject to such reasonable regulations as may be promulgated by the City Treasurer as aforesaid, the record owner of the property upon which

such multi-business unit, multi-family dwelling or apartment house is situated shall be charged with the responsibility of collecting in advance the charge imposed by this section from the tenants or occupants of such business units, dwelling units, or apartments and properly remitting same to the City Treasurer and shall be liable to the City in the amount of such charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

(d) When the aggregate gross income of all persons residing in a single family residential unit maintained and occupied by a resident of the City during the preceding calendar year of the City shall be less than Sixteen Thousand Dollars (\$16,000.00), the rate to such residential unit during such fiscal year shall be reduced to Fifteen Dollars (\$15.00) per month, provided, that the resident who occupies such domestic establishment makes an application for such rate to the City Treasurer and files therewith an affidavit pertaining to the relevant facts. The rate and charge shall become effective the first day of the month following approval of the application.

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

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

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

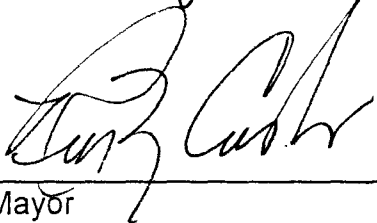
(g) All accounts shall be considered delinquent if not paid by the last day of each following month for which the service is rendered. All delinquent accounts are subject to stoppage of service with notice. Any billing unpaid by the last day of the following month for which the services were rendered shall, in addition, be charged a delinquent fee amounting to ten percent (10%) of the unpaid billing. After the delinquent fee has been assessed, the City shall notify

the customer by letter and inform the customer of the amount owed; the failure to pay the amount in full within ten days will result in termination of service; and that amount will be collected through legal proceedings with the attorney fees of the City added thereto. The City shall have the power to waive any delinquency or interest charge, if in the City's discretion, such action is warranted.

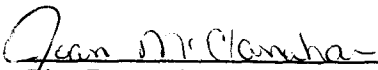
Passed on the First Reading on _____

Adopted on Second Reading
on the 21st day of June, 2005, _____
after a public hearing held immediately
prior to regular

Meeting of Council, on the
21st day of June, 2005.



Mayor



City Recorder

PUBLIC HEARING -- MAY 12, 2005

PLANNING COMMISSITION

CITY OF NITRO

MINUTES

The Planning Commission of the city of Nitro held a public hearing on May 12, 2005, in the Council Chambers at the Nitro Community Center. Members present were: Margaret Hudson, Diana Painter, Kermit Thompson, Al Walls, Rick Frontz, and Tom Waldorf. Also in attendance, Brian Casto from Code Enforcement with the City of Nitro and several interested persons. The Planning Commission considered the following:

1. Mark Sanders requested abandonment of a ten foot alley between Lots 45 through 51 and Lots 23 through 17 of Block "M" Section Two East Crawford Addition. This consideration was brought back to the floor from the previous meeting by motion made by Mr. Walls and seconded by Mr. Thompson. Motion carried. Since Mr. Sanders had met all the outstanding requirements (see attachment #1), a motion was made and properly seconded to grant this request; motion carried. Mr. Sanders was reminded that in all cases of abandonment the city retains easements for such things as water and sewer services.
2. Linda Canterbury of 115 Michigan Avenue requested that the city abandon an alley abutting Route 25 and her property at parcel 47 on Kanawha County Tax Map 27. After much discussion, a motion was made by Mr. Frontz and seconded by Mr. Thompson to abandon said alley; motion carried. Ms. Canterbury was reminded the city retains easements for such things as water and sewer services.
3. Lyn Wilcher requested that the property at 1108 and 1110 11th Street West be rezoned from R-2 to B-1. A motion was made by Mr. Walls and seconded by Ms. Painter to put the matter on the floor for discussion; motion carried. After much discussion, a motion was made by Mr. Thompson and seconded by Mr. Walls to reject the request to rezone the said property; motion carried.
4. Craigo Real Estate requested a ten foot alley beginning at First Avenue South (State Route 25) running N-S between parcels 70 and 71 on Kanawha County Tax Map 12 for approximately 90 feet and after a right angle running E-W for approximately 130 feet between parcels 3, 2, 1 and 12 13, 14 on Kanawha County Tax Map 12 and ending when it runs into Locust Street be abandoned.

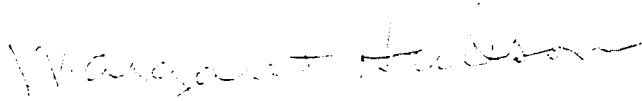
After much discussion, a motion was made by Mr. Thompson and seconded by Mr. Frontz to recommend to abandon said alley; motion carried. Craig Real Estate representatives were reminded the city retains easements for such things as water and sewer services.

It was requested from Mr. Thompson that City Council minutes be provided to the Planning Commission.

It was decided the Planning Commission will meet regularly the third Thursday of each month beginning June 2005.

A motion to adjourn was made by Mr. Thompson and seconded by Mr. Frontz; motion carried.

Respectfully submitted



Margaret Hudson
Chairperson

PLANNING COMMISSION CITY OF NITRO

MINUTES of JANUARY 27, 2005 MEETING

The Planning Commission of the City of Nitro held a Public Meeting, January 27, 2005. The meeting was called to order by Chairperson, Margaret Hudson, at 7:05 p.m. in Council Chambers at the Nitro Community Center. New members Victor Canterbury, Tom Waldorf, and Rick Frontz were welcomed. Members present were Mark Goodall, Lonnie Blaylock, Kermit Thompson, Victor Canterbury, and Rich Frontz.

The first item was a request from Mark Sanders and Larry Angle "to close Gum Street between Main Avenue and the railroad track." A motion was made to "not give this matter any consideration." It received a second. Upon a vote of two for and three opposed, the motion failed. Another motion was made by Mark Goodall "to approve the request." A second was received from Victor Canterbury. Motion carried.

The second item of business was a request from Mark Sanders "to abandon a ten foot alley between Lots 45 thru 51 and Lots 23 thru 17 of Block "M" Section Two East Crawford Addition." Larry Canterbury stated that he "wouldn't comment or vote since he lives next door to this property." A discussion among members and between those present and members was held. Since a report from the Army Corps of Engineers is not yet available, Mark Goodall moved that we "table this request until the Army Corps of Engineers report is available." A second was received from Lonnie Blaylock. Motion carried.

The third item was a request from Nitro Shade and Awning "to close Fredrick Avenue between his property (plot 88) and the railroad track property." Lonnie Blaylock moved that this be approved with city keeping easement rights as in all other such approvals. A second was received from Kermit Thompson. Motion carried.

The request from the Bias Family to divide a 3.85 acre track of land was brought back to the meeting from being tabled at the December 2nd meeting. Lonnie Blaylock moved that "since this property, perhaps better known as the Bias-Haynes property, meets all the subdivision requirements of the City of Nitro, we approve the division of this plot of land bordering Asbury Road." This motion received a second from Kermit Thompson. Motion carried.

The Planning Commission adjourned.

Margaret A. Hudson
Margaret A. Hudson, Chairperson



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO
ATTENTION OF:

April 13, 2005

Operations and Readiness Division
Regulatory Branch
Sates Fill-200301332

Mr. Mark Sanders
603 Main Avenue
Nitro, West Virginia 25143

Dear Mr. Sanders:

I refer to the unauthorized placement of dredged or fill material in waters of the United States on your property located at your property between State Route 25 and Michigan Avenue, north of Spring Street, in Nitro, Kanawha County, West Virginia. The unauthorized work has occurred in backwater in an unnamed tributary to the Kanawha River, near Kanawha River mile 46.4 on the right descending bank.

In accordance with our cease and desist letter dated March 2, 2004, you were directed that no additional discharges of dredged or fill material could occur in waters of the United States on your property until authorization was obtained from this office. It was determined you continued to work on the property after receipt of the cease and desist order.

On May 10, 2004, the lead enforcement authority for this case was transferred to the U.S. Environmental Protection Agency (USEPA), Region III in accordance with the "Memorandum of Agreement between the U.S. Department of the Army and the U.S. Environmental Protection Agency". On June 24, 2004, the USEPA issued you an "Order for Compliance Docket No. CWA-03-2004-0284DW," which ordered you to submit a restoration plan for unauthorized fill material placed along the front of your property adjacent to State Route 25. On September 10, 2004, the USEPA order for compliance was amended to include removal of a 36" corrugated metal pipe (CMP) and associated fill material along the northwest side of the property.

On November 16-17, 2004 you restored the front of the property to its approximate condition prior to your commencement of construction. Based on information submitted on your behalf by Randolph Engineering Company, Inc., and received in this office on November 24, 2004, you propose to install a 48" corrugated metal pipe (CMP) for a linear transportation crossing to access the property. Further, you indicate a 48" CMP will be of sufficient size to not restrict flow or cause upstream flooding.

-2-

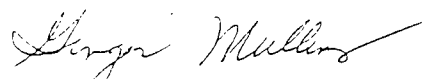
In addition, according to information received in this office on February 11, 2005, and submitted on your behalf by Randolph Engineering Company, Inc., it was determined the removal of fill material on the northwest side of the property would create structural problems with the building foundation. Further, it was determined the Kanawha River is the controlling factor of the water level in this area and the 36" CMP and associated fill will have no effect. Therefore site restoration or replacement of the existing CMP with a larger CMP would have not have a beneficial effect.

It has been determined your proposed restoration work meets the criteria for a Nationwide Permit #32 (attached), under the January 15, 2002 Federal Register, Final Notice of Issuance of Nationwide Permits (67 FR 2020). Please be aware this nationwide permit authorization does not obviate the requirement to obtain state or local assent required by law for the activity. **Nationwide Permit 32 will expire on March 18, 2007.**

In view of the above, your project is authorized subject to the terms and conditions of the enclosed material and **provided you comply with the attached special conditions**. It is your responsibility to ensure your work conforms to all of the environmental management conditions and special conditions listed within the enclosed material.

Upon completion of the activity authorized by this nationwide permit authorization, the attached certification must be signed and returned to this office. If you have any questions concerning the above, please contact Richard Hemann of the South Regulatory Section at 304-399-5710.

Sincerely,


Ginger Mullins, Chief
Regulatory Branch

Enclosures

Copies Furnished:

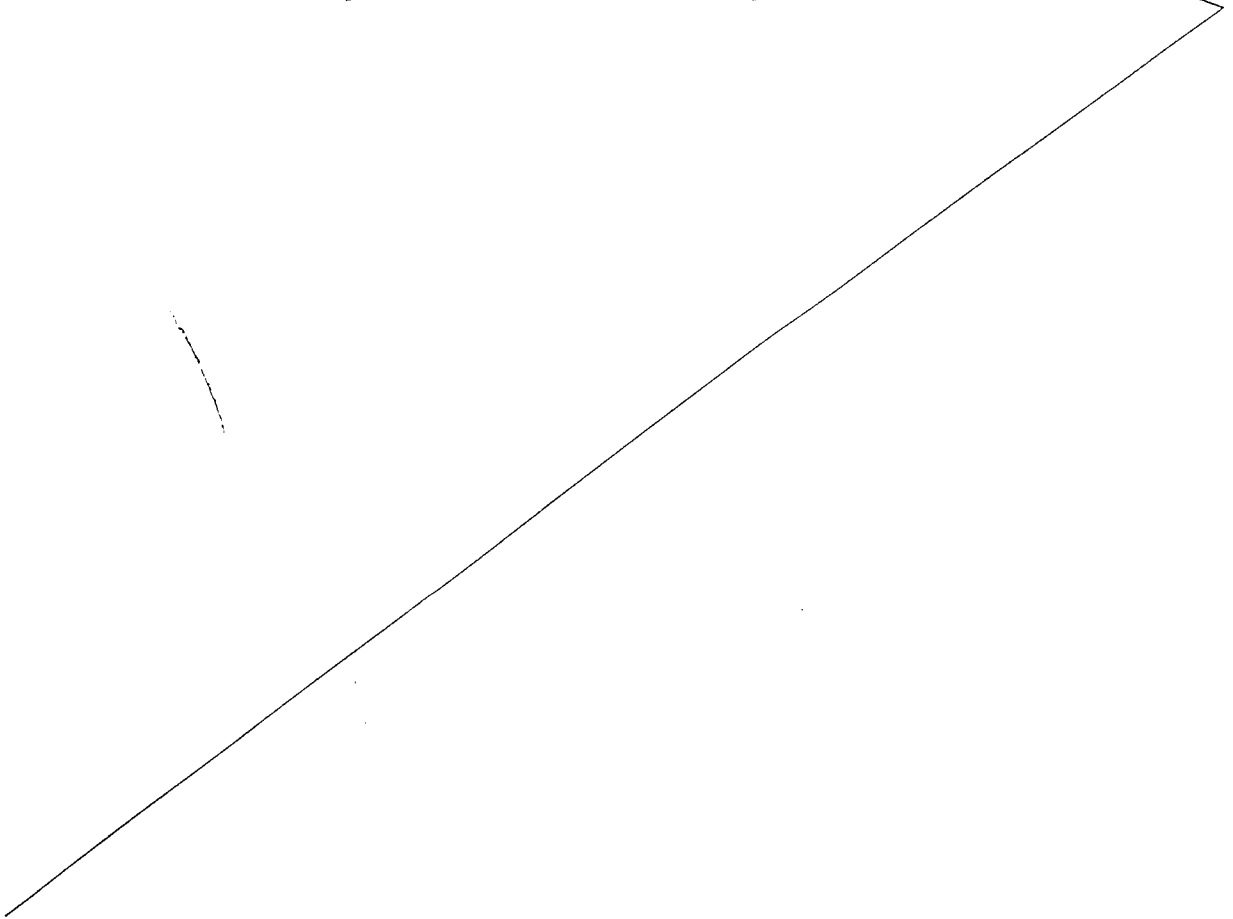
Mr. Lyle Bennett
WVDEP
1560 Kanawha Boulevard, East
Charleston, West Virginia 25311

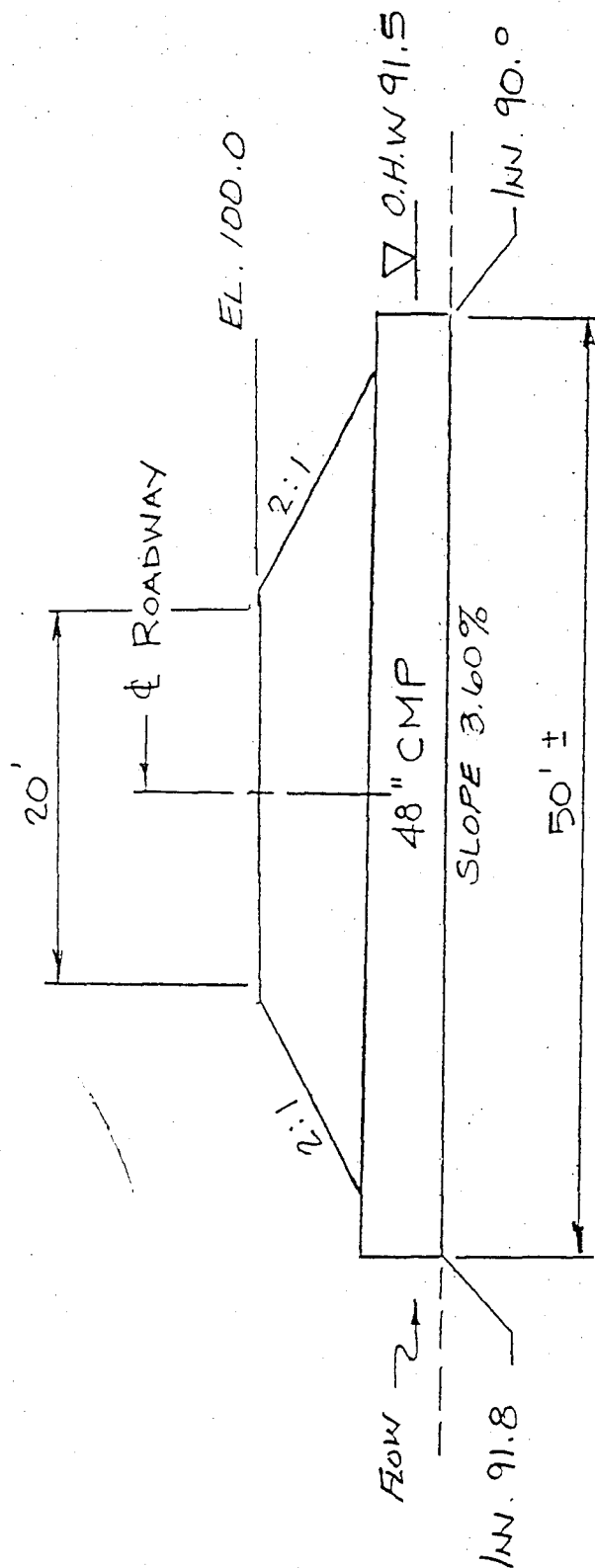
Copies Furnished (continued):

Mr. Roger Anderson
West Virginia Division of Natural Resources
Post Office Box 67
Elkins, West Virginia 26241

Mr. Jeffrey Lapp
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**Special Conditions for Nationwide Permit 32
Authorization for Mark Sanders
No. 200301332**

1. Installation and function of the linear transportation crossing to access the property shall conform to the attached drawing titled "Mark Sanders Development, Drawing 1 of 1, Route 25 Front Entrance, Crossing Detail".
 2. The crossing shall be constructed within the guidance set forth in the terms and conditions of Nationwide Permit #14 (attached).
 3. The permittee must notify the Corps of Engineers, Huntington District and the United States Environmental Protection Agency, Region III at the completion of construction and provide the agencies with photo documentation showing the completed restoration work.
 4. All disturbed areas shall be seeded and mulched to prevent erosion and sedimentation.
 5. The all work must be performed in a manner that will provide stable stream channels.
- 



TYPICAL CROSS
SECTION

Mark Sanders Development
Drawing 1 of 1
Route 25 Front Entrance
Crossing Detail

Project Name: Mark Sanders Development
County: Kanawha

Project: 2002019-03

Date:
Nov.
2004



RANDOLPH ENGINEERING
COMPANY, INC.

RAH

COMPLETION OF WORK FORM

Permit: Unnamed Tributary of the Kanawha River
Completed Enforcement Action-200301332
(Section 10-Kanawha River)

Name of Permittee: Mark Sanders

Date of Issue: APR 13 2005

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070
Attn: OR-FS

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

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 10-__ (June 26, 2001).

APPLICANT: Linda S Canterbury DATE: 3/06/05

ADDRESS: 115 Michigan Ave Nitro WV 25113

For Abandonment of alley between my property & State of WV along Rt 25.

1. Please state the reason(s) the property is needed. For example, for purpose of construction, improvements, or other necessity.

Needed for parking (that is what it is used for) We need to
place more gravel To be able to Fence our property.
Dirt has been shoveled onto alley creating
drainage problem and mowing problem We need to
correct it

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.

With two houses on one side we need to Fence,
so, we will not be liable. The city would not be
liable if the alley is abandoned The city
would not be responsible for graveling.

3. Please state whether the subject street, alley, lane, road or other public right-of-way is a part of the current traffic pattern.

The alley is not a part of
traffic.

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

State of WV

City of Nitro

5. List all persons owning property within the same block as the abutting property and their addresses.

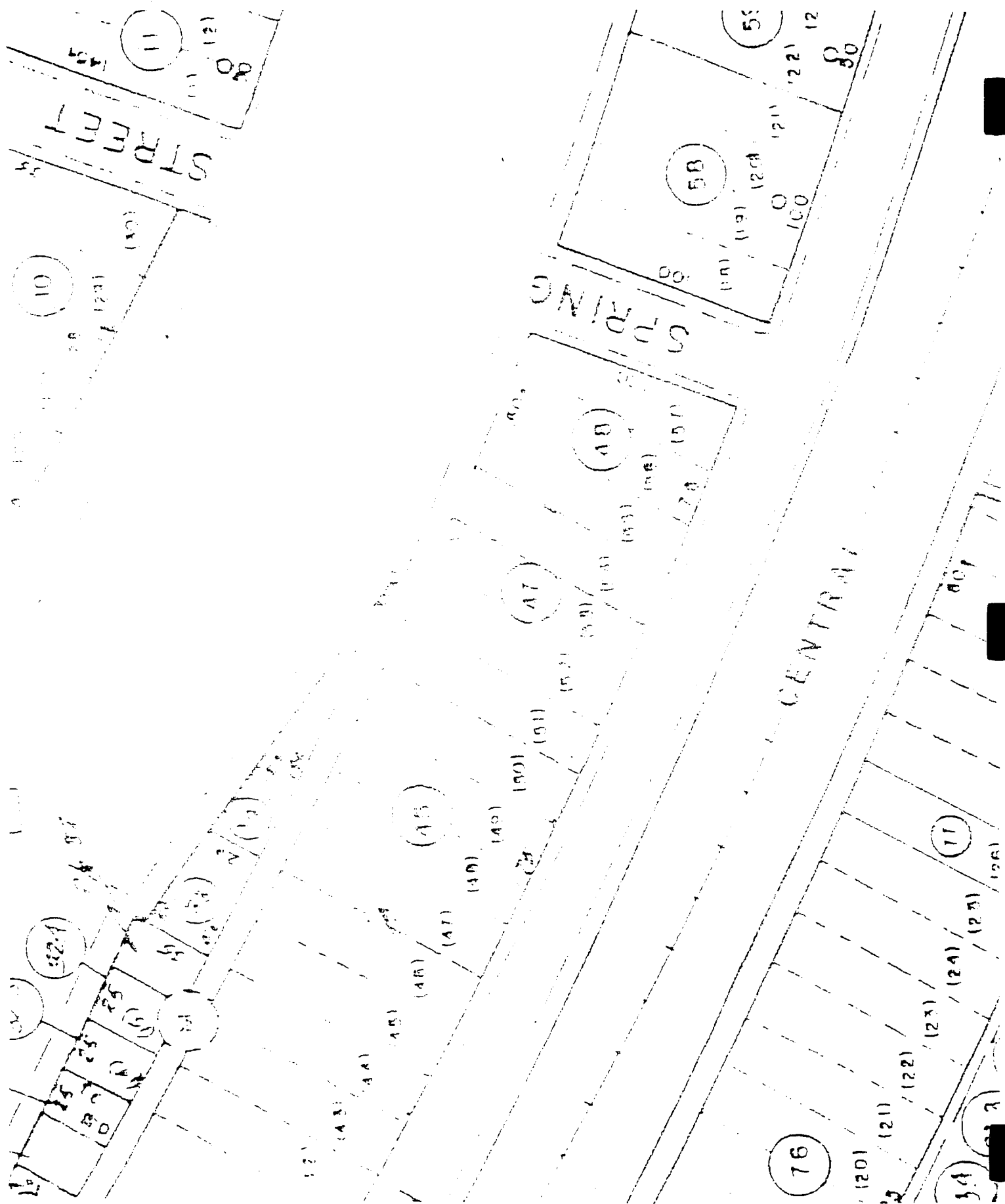
Name

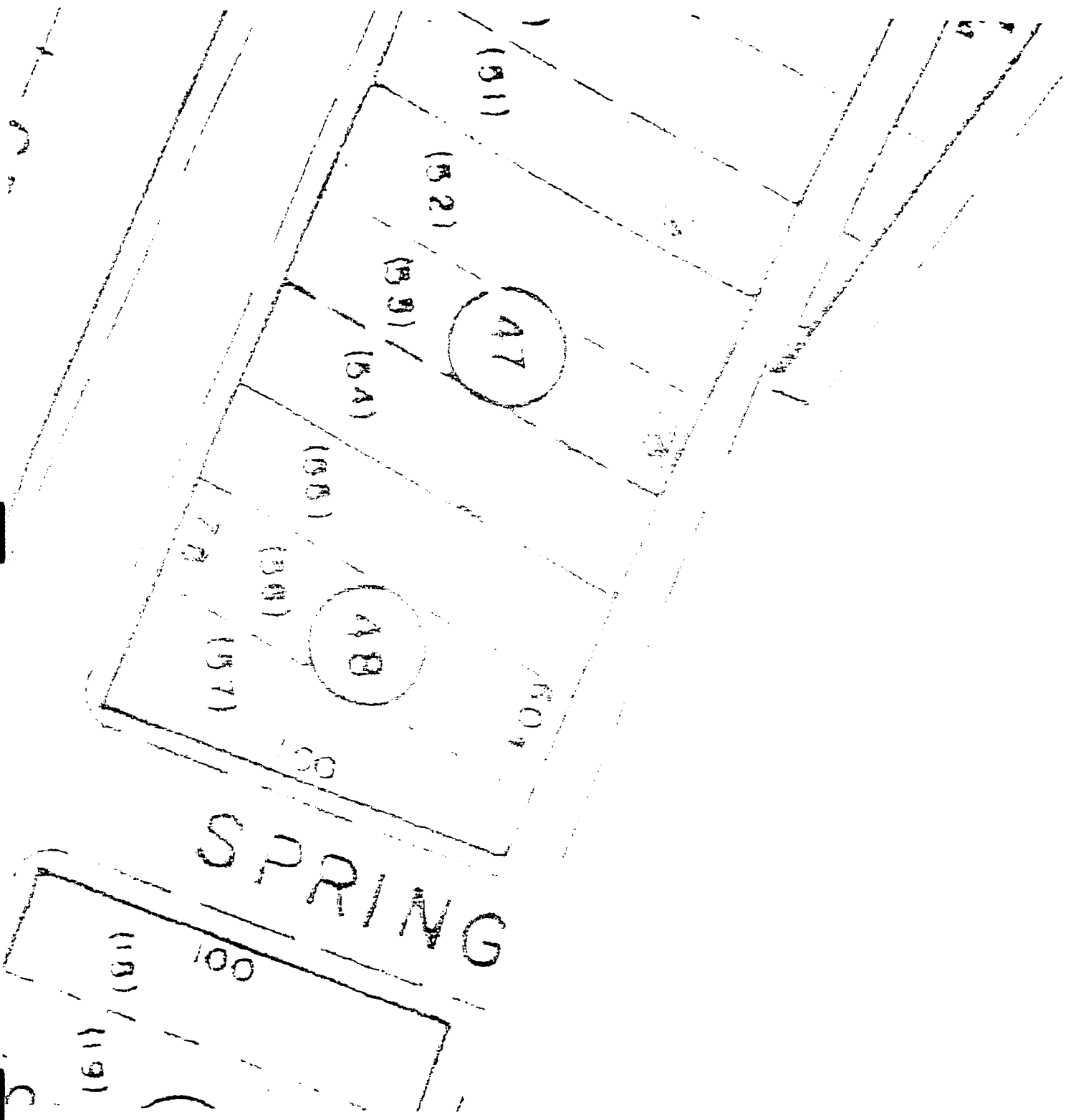
Address

Phyllis & Frank Gillispie 125 Blackwood St. Nitro
Mark Sanders 111 Michigan Ave. Nitro

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.







WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

Office of the District Engineer
District OneJoe Manchin III
Governor

1334 Smith Street · Charleston, West Virginia 25301-1492 · 304/558-3001

April 29, 2005

Ms. Linda Canterbury
115 Michigan Avenue
Nitro, West Virginia 25143

RE: West Virginia Route 25

Dear Ms. Canterbury:

I am enclosing a right of way plan exhibit that depicts the existing right of way of West Virginia Route 25 adjacent to property you own at 115 Michigan Avenue, Nitro, West Virginia. Your lots, numbered 52, 53, and 54, are highlighted in green. The Division of Highways (DOH) right of way line is shown in yellow.

This right of way was acquired as Project S-71(14) – dated 1965 and is the most recent map of record. The DOH right of way extends approximately 95 feet from the centerline of Route 25 to a 10 foot alley.

Should you require additional information, I may be reached at 1334 Smith Street, Charleston, West Virginia 25301 or telephone (304) 558-3021, between 7:30 a.m. to 4:00 p.m., Monday through Friday.

Sincerely,

Linda F. Harrah
District Right of Way Agent

RECEIVED
MAY -3 AM 10:29
LFFH/kg
05 MAY 2005
FINANCE DIVISION
DOT
Enclosure

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

Name of Person Making Request: LYN WILCHER

Address of Person Making Request: 216 SOUTHERN WOODS DRIVE
SOUTH CHARLESTON WV 25309

Telephone Numbers of Person Making Request: (H) 746-7230 (W) 539-2603

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:
I WOULD LIKE TO REQUEST A ZONING CHANGE FOR THE PROPERTY LOCATED AT 1108
STREET TO ACCOMMODATE THE EXTENSION OF SELF-STORAGE UNITS FROM THE ADJACENT PROPERTY
LOCATED AT 1101 11TH STREET.

Supporting Documents Attached:

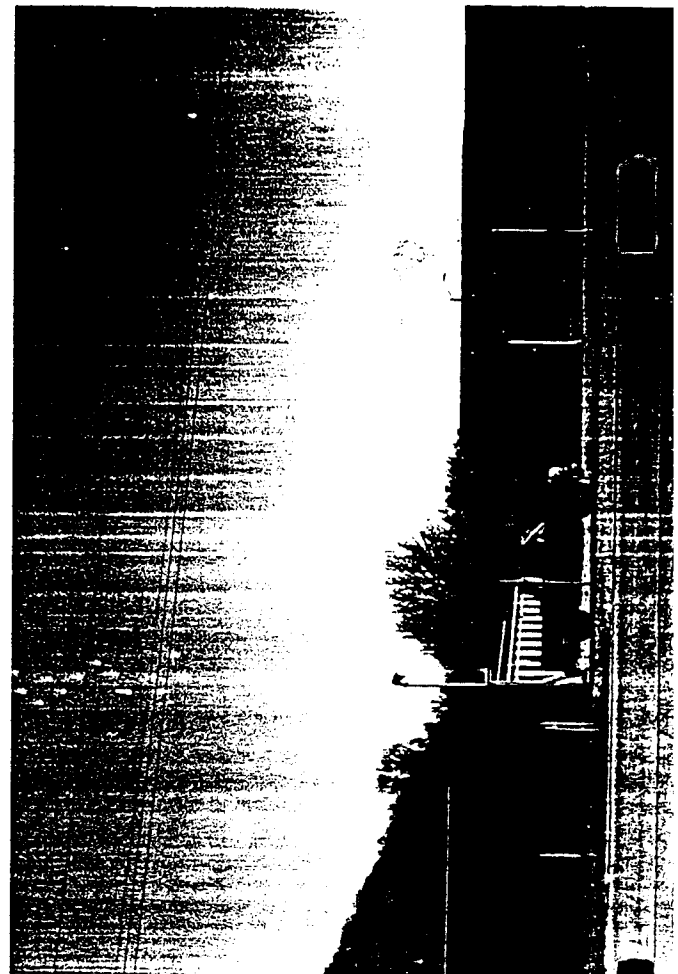
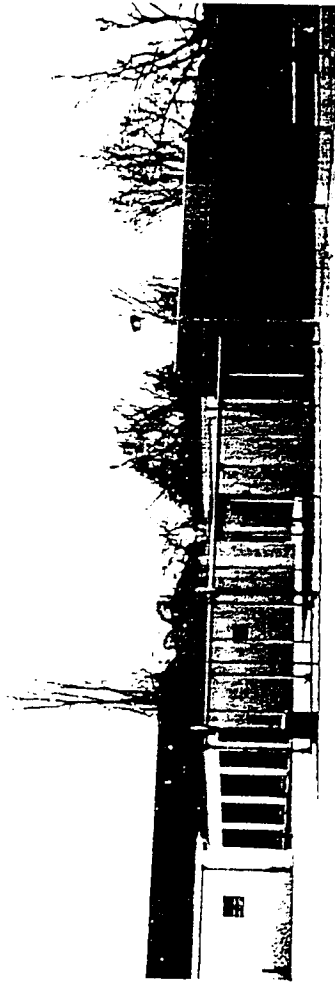
1. PLANS FOR PROPOSED STRUCTURE
2. PLANS OF EXISTING STRUCTURE
3. PHOTOS OF EXISTING STRUCTURE
4. _____
5. _____

Date of Request: 4/7/05 Signature of Requestor: [Signature]

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 BRIAN CASTO at City Hall.



11. DATE. Date of this Agreement: April 7, 2005
12. PURCHASER'S NAME. WV Storage LLC
SELLER'S NAME Harry M. Curry ex. Estate of Carol Curry and Griclada Johnson (1108)
13. EARNEST MONEY AND DESCRIPTION. Received from Purchaser (\$ 500.00 (1110)) as earnest money evidenced by cash note ☒ check payable to Century 21 Action Realtors Broker, to be held uncashed until acceptance of this offer, as deposit and part of this purchase price of the following described property: Lt Box 175 West 11th Street DB 1238 PG 46 Street Address 1110 11th Street, Nitro, WV & 1108 11th Street
14. PRICE. The purchase price for said property shall be Eighty-Seven Thousand Dollars (\$ 87,000.00) with the balance of the purchase price being payable as follows: _____
15. ALL CASH TRANSACTION. _____ Dollars (\$ _____)
in cash payable to Seller by Purchaser on delivery of the Deed.
ASSUMPTION/OWNER FINANCING. (See Addendum)
- ☒ LOAN CONTINGENCY: This agreement is subject and contingent upon Purchaser being able to obtain a conv. loan in an amount not less than \$ 87,000.00 with an interest rate not in excess of _____ %, secured by a deed of trust on the subject property, payable in not less than _____ regular monthly installments not exceeding \$ _____ (exclusive of any escrow amounts for taxes and insurance). Purchaser agrees to immediately make application for such loan and to continue with due diligence and in good faith to make every reasonable effort to secure such loan or any other loan the purchaser applies for from any source found by Purchaser or to whom Purchaser may be directed by Broker. If, having complied with the foregoing, Purchaser is unable to obtain either loan, or some other loan, then this agreement may be cancelled in writing at the option of the Seller or Purchaser and all earnest money paid hereunder by Purchaser shall be refunded to Purchaser.
16. Type of Inspection Party Paying for Inspection Time Period Obtained By Repair Amount Not to Exceed
- | | | | | |
|-----|---|----------------------|---------------------------------------------|-----------------------|
| n/a | { | Termite/Pest | Buyer <input type="checkbox"/> Seller _____ | Buyer Seller \$ _____ |
| | | Septic/Water "as is" | Buyer <input type="checkbox"/> Seller _____ | Buyer Seller \$ _____ |
| | | Home Inspection | Buyer <input type="checkbox"/> Seller _____ | Buyer Seller \$ _____ |
| | | _____ | Buyer <input type="checkbox"/> Seller _____ | Buyer Seller \$ _____ |
| | | _____ | Buyer <input type="checkbox"/> Seller _____ | Buyer Seller \$ _____ |
- SEE ADDENDUM # _____
- The inspections listed above are all the inspections required by this contract. If the Purchaser elects not to obtain a structural/engineering report or radon test, asbestos, lead based paint inspection or any other inspection this shall be considered waived by the parties. All the inspections listed above shall be completed within the time frame as indicated above. The results of all inspections will immediately be made known to all parties. Any inspection which is not completed and the results of said inspection not disclosed to all parties within the above time period shall be deemed to have been waived. If the above inspections reveal that any physical and mechanical components have defects which do not permit them to perform the functions for which intended, or if there are termites or wood destroying insect infestation or damage, such defects shall be corrected at Seller's expense; not to exceed the dollar amount as stated above.
- If the cost of correcting the conditions exceeds the dollar amount set out in the preceeding paragraph;
- a. The Seller may refuse to pay the additional monies. If the Seller so refuses, the Purchaser, if permitted by the lender or investor, may elect to pay the additional monies necessary to correct the conditions, or in the event the cost to make repairs exceeds the dollar amount specified in paragraph 16, Purchaser must approve the additional costs or contract becomes null and void.
- b. The Seller and the Purchaser may agree to each pay a portion of the cost of correcting the conditions, if permitted by the lender or investor. Said agreement would be by separate writing made an addendum to this contract.
- c. If the Seller and the Purchaser are both unwilling (or the Purchaser is precluded from paying the cost by his lending institution) to pay the additional money necessary to correct the conditions, then this agreement may be canceled in writing at the option of the Purchaser or the Seller and any earnest money paid hereunder by Purchaser shall be refunded to the Purchaser. Should Purchaser or Seller request the Brokers to obtain any inspections, surveys or title examination in furtherance of this contract, the Purchaser and Seller shall hold the Brokers harmless and bring no action against them for any negligence of the party performing the inspections, survey or title examination.
17. CLOSING. This sale shall be completed and all necessary papers executed and delivered within 30-45 days from the date of acceptance hereof. Time shall NOT be of the essence in this agreement. The closing officer closing this sale is hereby directed and authorized to collect and disburse all commissions at closing.
18. ☒ ACTUAL PHYSICAL possession of the property will be delivered to the purchaser at closing.
Possession is subject to the rights of tenants.
19. FURTHER AGREEMENTS. (If no further agreements, say "None") 1. Property is sold "as is." 2. Contingent upon purchaser acquiring a zoning permit/variance from the City of Nitro within 30 days of acceptance of offer. 3. A letter of pre-approval must be provided 3 days after acceptance from lender.
20. SELLERS PROPERTY DISCLOSURE. Has been provided ☒ will will not be provided to Purchasers upon acceptance of this contract.
21. SELLING COMPANY is acting as a Buyers Agent Sellers Agent ☒ Dual Agent
22. EXPIRATION OF OFFER. This offer to purchase shall expire and become void if notice of acceptance by Seller is not received by the Purchaser before _____ am / pm on the 7th day of April 2005.

WITNESS, the following signatures of the Purchasers:

WV Storage, LLC by: [Signature] Managing member
Purchaser's Signature

Purchaser's Signature

The foregoing offer to purchase is hereby accepted by the Seller _____ am / pm this 7th day of April, 2005

[Signature]
Seller's Signature

Seller's Signature

DATA FOR CLOSING AGENT. This information is not part of the purchase contract. It is intended for use by the closing agent.

Century 21 Action Realtors
Listing Company

[Signature]
Listing Agent

Century 21 Action Realtors
Selling Company

[Signature]
Selling Agent

Seller and Purchaser acknowledges reading additional terms on reverse side of purchase agreement [Signature] (Initials) [Signature] (Initials)
Seller Purchaser

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

Name of Person Making Request: Craig Real Estate

Address of Person Making Request: 209 First Ave. South East

Nitro, WV 25143

Telephone Numbers of Person Making Request: (H) _____ (W) (304) 586-3693
(Attorney on behalf of
Craig Real Estate)

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:

Craig Real Estate, by counsel, Lisa M. Moye and Gritt Law Offices, hereby requests that the City Council of the City of Nitro enact an ordinance abandoning an alley which is depicted on the attached survey.

Supporting Documents Attached:

1. Survey
2. Copy of Petition to Abandon Alley
3. _____
4. _____
5. _____

Date of Request: 04/04/2005

Signature of Requestor: *Lisa M. Moye*

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

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

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

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

In Re:

APPLICATION TO ABANDON AN ALLEY SITUATE IN THE CITY OF NITRO,
KANAWHA COUNTY, WEST VIRGINIA

PETITION

1. The Petitioner, Craig Real Estate Corporation, is a West Virginia corporation with its principal office located in Nitro, Kanawha County, West Virginia.

2. The Petitioner, Craig Real Estate Corporation, is the owner of certain parcels of real estate situate in the City of Nitro, Kanawha County, West Virginia, by virtue of Deeds duly of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2016 at page 39, Deed Book 2074 at page 265, and Deed Book 2291 at page 900.

3. The City of Nitro owns an alley, a portion of which is between said parcels of real estate owned by the Petitioner and a portion of which is adjacent to said parcels of real estate owned by the Petitioner. The alley is depicted on a survey, a copy of which is attached hereto and incorporated herein by reference, dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in The City of Nitro, Kanawha County, West Virginia." Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902.

4. Pursuant to the City Council's authority to regulate alleys, as provided in West Virginia Code § 8-12-5, the Petitioner seeks an ordinance of the City of Nitro abandoning the aforesaid alley as depicted on said survey to permit the Petitioner to have exclusive use of said alley.

5. The Petitioner states that the aforesaid alley is not a part of the current traffic pattern and is not utilized by any individuals or entities other than the Petitioner, Craig Real

Estate Corporation, and accordingly the abandonment of the aforesaid alley would not prejudice the public of the City of Nitro.

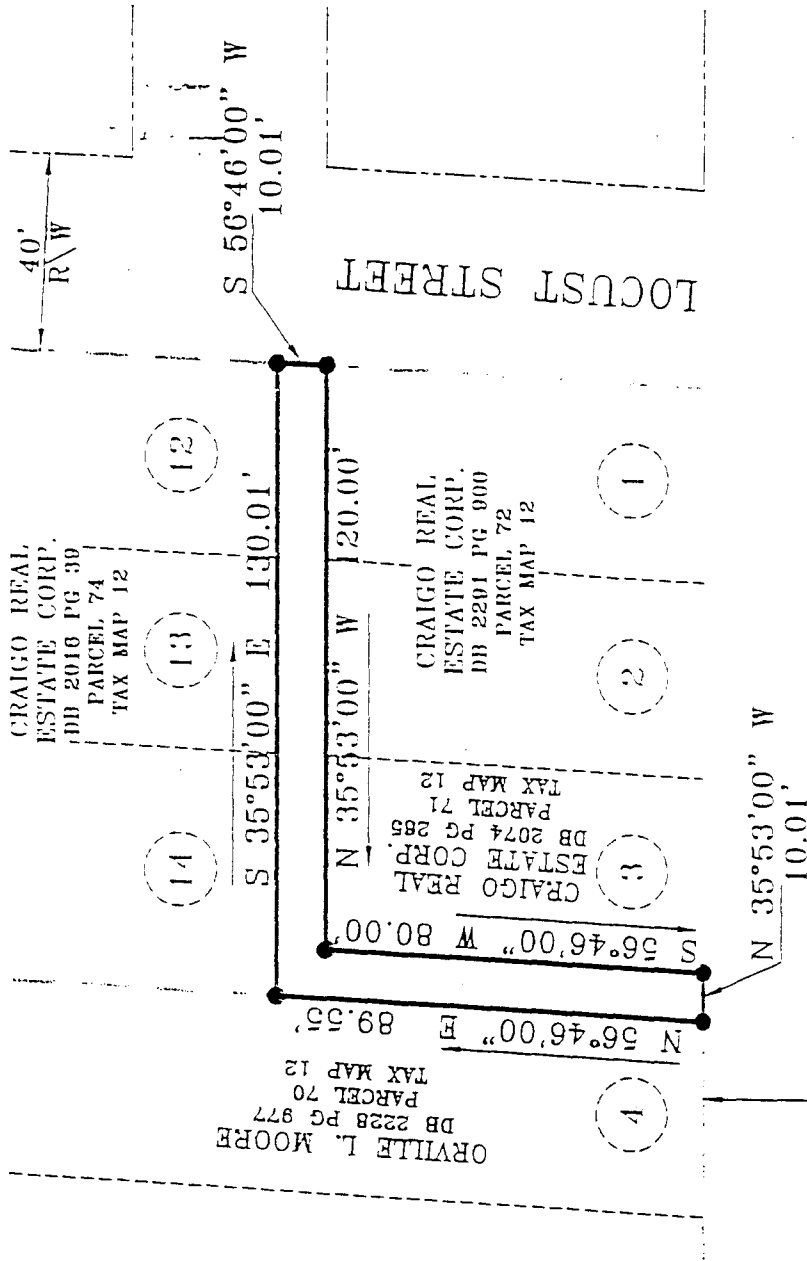
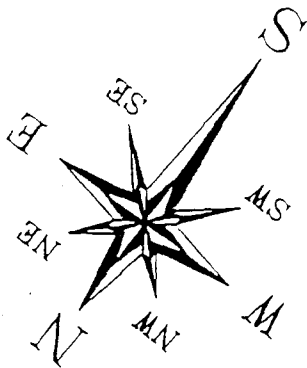
5. The Petitioner states that the following individuals own real estate bordering the aforesaid alley:

Karen Coria Moore
205 1st Avenue, Southeast
Nitro, WV 25143

WHEREFORE, the Petitioner requests that the City Council of the City of Nitro, West Virginia, following proper notice of public hearing to bordering landowners as named within this Petition, enact an ordinance abandoning the aforesaid alley.

CRAIGO REAL ESTATE CORPORATION
By Counsel

Franklin L. Gritt, Jr. (W.Va. Bar #1494)
Lisa M. Moye (W.Va. Bar #8582)
Gritt Law Offices
Middleton Place
19 Valley St.
Winfield, WV 25213
(304) 586-3693



G. W. VA. STATE ROUTE 25
FIRST AVENUE SOUTH

TO DUNBAR

A PLAT SHOWING

A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN
THE CITY OF NITRO, KANAWHA COUNTY,
WEST VIRGINIA.



SCALE: 1" = 40.00'

STATE OF WEST VIRGINIA.

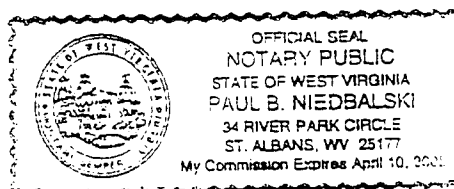
COUNTY OF KANAWHA, to-wit:

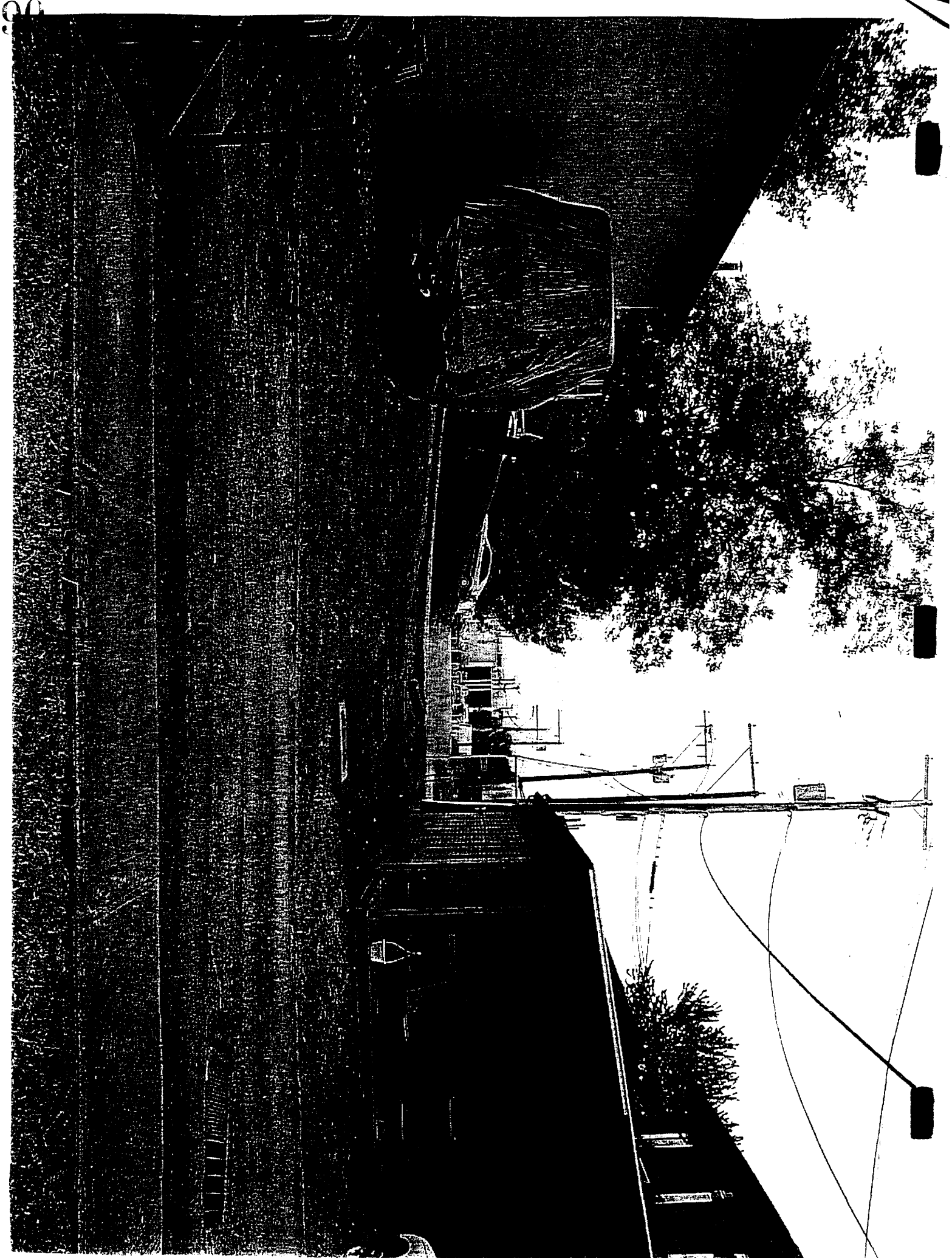
Oshel B. Craigo, President of Craigo Real Estate Corporation, after having reviewed the foregoing *Application to Abandon an Alley Situate in the City of Nitro, Kanawha County, West Virginia* and after being first duly sworn, deposes and says that the facts and allegations contained therein are true, except insofar as they are therein stated to be upon information and belief, and that as they are therein stated to be upon information and belief, he believes them to be true.


OSHEL B. CRAIGO

Taken, subscribed and sworn to before me on this the 23 day of March, 2005.
My commission expires April 10, 2005.


NOTARY PUBLIC





CITY OF NITRO
COUNCIL MEETING MINUTES
JUNE 7, 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, and Tim Harrison. Also present were Mark French, standing in for City Attorney Troy Giatras, and City Treasurer Ralph Allison. Absent was Councilman Mark Goodall.

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

EARL BENTON, PHOTOGRAPHER FOR THE CHARLESTON DAILY MAIL, LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 05-17-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO APPROVE THE MAY 17, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP. City Recorder Joan McClanahan stated that the agenda item for the Canterbury request that is on the Planning Commission Minutes should be omitted for the time being due to a legality. THE MOTION TO APPROVE THE MINUTES, WITH THE CANTERBURY REQUEST OMITTED FROM THE PLANNING COMMISSION MINUTES, AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Rusty Casto presented the May Citizen of the Month award to Earl Benton. Mr. Benton resides at Sattes Circle and is a photographer with the Charleston Daily Mail. He is a veteran of WWII and had a part in developing the famous Iwo Jima photograph. Mayor Casto presented Mr. Benton with dinner for two at Diehl's Restaurant and he will also receive a plaque. A warm round of applause followed. Mr. Benton spoke about his part in helping to develop the Iwo Jima photograph.

Mayor Casto reported that Bill Wintz will be stepping down from the WWI Memorial Commission and requested that Brian Smith be appointed in his place. Mr. Smith has helped out at the Nitro Explosives & War Museum. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPOINT BRIAN SMITH TO THE WWI MEMORIAL COMMISSION, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 3 – BOB FLENNER: Mayor Rusty Casto yielded the floor to Bob Flenner, a Nitro resident. Mr. Flenner read a letter expressing concern over the condition of the facilities at Ridenour Lake. Mayor Rusty Casto stated that the Public Works Department has been working at the lake and will address Mr. Flenner's concerns. Mayor Casto told him that he appreciated him keeping an eye on the lake. Councilman A. A. "Joe" Savilla said he thanked Mr. Flenner for his comments and he would

volunteer to pick up around Ridenour Lake on Saturday mornings, and invited members of Council to join him.

AGENDA ITEM NO. 4 – CITIZEN OF THE MONTH: Mayor Rusty Casto announced that Bryan Casto, a member of the WWI Memorial Commission, will be presented the June Citizen of the Month award at the next Council Meeting.

AGENDA ITEM NO. 5 – RELOCATION OF COUNCIL MEETINGS: City Recorder Joan McClanahan addressed Council concerning the need for a larger room to hold Council Meetings. City Recorder Joan McClanahan stated that she spoke with the Director of the Community Center and Tom Brewer, Director of the NDA and other NDA members. They have given approval for the Council Meetings to be held in the Auditorium in the Community Center at no charge. They will assist in setting up the microphones. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO HOLD THE COUNCIL MEETINGS IN THE KATHY MATTEA AUDITORIUM AT THE COMMUNITY CENTER THROUGH THE END OF JULY, SECONDED BY COUNCILMAN TIM HARRISON. After discussion, the MOTION WAS CARRIED.

AGENDA ITEM NO. 6 – FIRE CHIEF TRUCK: Councilwoman at Large Brenda Tyler addressed Council regarding the purchase of a vehicle for the Fire Chief. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR THE LEASE PURCHASE OF A VEHICLE FOR THE FIRE CHIEF AT THE RATE OF \$5,000.00 PER YEAR UNTIL IT IS PAID FOR NOT TO EXCEED A FIVE YEAR PERIOD OF TIME. THE MOTION WAS SECONDED BY COUNCILMAN AT LARGE BILL CLARK. Discussion followed. Councilwoman at Large Gertie Estep said she was present and the only amount mentioned was \$5,000.00. She asked why he couldn't drive one of the SUVs and expressed concern over spending so much for the truck and suggested they wait until all Council members are present to vote. COUNCILWOMAN AT LARGE GERTIE ESTEP MADE A MOTION TO TABLE THE MOTION FOR THE PURCHASE OF A TRUCK FOR THE FIRE CHIEF, SECONDED BY CITY RECORDER JOAN MCCLANAHAN. A VOTE WAS TAKEN AND CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP AND COUNCILMAN BILL RACER VOTED FOR THE MOTION AND OPPOSING WERE COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMAN A.A. "JOE" SAVILLA, AND COUNCILMAN TIM HARRISON VOTED AGAINST THE MOTION TO TABLE. MOTION FAILED. Further discussion followed. COUNCILMAN TIM HARRISON MADE A MOTION TO CALL FOR THE QUESTION, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. A discussion followed regarding finding the Fire Chief a vehicle that the City owns to drive and Councilman at Large Bill Clark stated that he needed a reliable vehicle to drive and suggested we proceed with the motion made by Councilwoman at Large Brenda Tyler. A VOTE WAS TAKEN ON THE MOTION TO LEASE PURCHASE A TRUCK FOR THE FIRE CHIEF AND VOTING FOR THE MOTION WERE COUNCILMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMAN A. A. "JOE" SAVILLA AND COUNCILMAN TIM

HARRISON. THOSE OPPOSING WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP AND COUNCILMAN BILL RACER. MOTION CARRIED.

Councilwoman at Large Gertie Estep stated she still feels we should have waited until all members of Council were present because we waited on voting at the first meeting until Councilman Savilla was present. Councilman Savilla said he disagreed with her.

AGENDA ITEM NO. 7 – SAFETY COMMITTEE REPORT: This report was given after Agenda Item No. 8.

AGENDA ITEM NO. 8 – TROY GIATRAS: Mark French addressed Council for Troy Giatras. Mr. French reported on a new Ordinance for the Rapid Entry Key Boxes on new construction in the City of Nitro. Councilman Tim Harrison addressed Council concerning the Rapid Entry Key Boxes. Councilman Tim Harrison explained that with the Rapid Entry Key boxes if the Fire Department need to gain entry to a structure that pose a safety threat due to alarm or any other action as deemed necessary by the Fire Chief or his designee, they would have one key that would unlock the door; thus eliminate forceful entry. There would not be a profit on this, but it would make their jobs easier. He explained that the box would be a requirement for any new businesses that come to the City or change in ownership. If they decide not to take the box, they would be charged. We assess them a charge because of the time the fire department would be detained while someone gets there to open the door. City Recorder Joan McClanahan said they are already paying for these services and asked if these were mandatory to get these boxes and who has the franchise. She asked the price of the box, and it was around \$300.00. City Recorder Joan McClanahan asked how many dealers in this area that make these boxes and if so, who has the franchise. Councilman Tim Harrison responded the only company he knew of was Knox Boxes and he wasn't aware of who had the franchise. Captain King said the City has been purchasing the Knox Boxes and the Building Inspector Bryan Casto and Captain Elkins have been handling these. Captain King said the City of Nitro is the only one that can make purchases of these boxes and it is strictly voluntary. City Recorder Joan McClanahan said she spoke with Chief Ernie Hedrick regarding this and it was her understanding that the Fire Department or Chief Hedrick had the franchise, and Captain King said they buy directly from the company. Captain King said the boxes they have been selling cost \$230.00 plus. City Recorder Joan McClanahan asked if there was a profit to anyone, and Captain King answered that they could make a profit but they were not. They were just charging the cost. Mr. French said he furnished the proposed ordinance to Council for review and didn't expect action to be taken this evening. Councilman A. A. "Joe" Savilla said it was a win/win for all the businesses in Nitro.

Councilman at Large Gertie Estep asked about what we hear about Wal-Mart leaving Nitro in a couple of years. Mayor Casto said he heard those rumors and they keep denying it. Captain King said he asked the Manager about this around Christmas time and was told that this store was designed to do Fifty Million Dollars a year profit

and they were doing about a Hundred Twenty Million. He said if they build one in Hurricane or one in St. Albans, they were not going to close the Nitro Wal-Mart.

Mr. French said they had received a deed to the Mark Sanders abandonment property, but haven't had the opportunity to fully evaluate it. Without objection, Mark French read the Ordinance by title only: AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, KNOWN AS A PORTION OF A 10' ALLEY CONTAINING 1,776 SQUARE FEET, OF EAST CRAWFORD ADDITION OF THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH 10' ALLEY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE FIRST READING BY TITLE ONLY OF THE ABANDONMENT ORDINANCE, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Councilwoman at Large Gertie Estep asked Attorney French how the Raynes trial would be paid for, and Attorney French said he wasn't aware of what the arrangements were. Councilman at Large Bill Clark asked about the property where the gas line was going through (transmission line) over by Broadway and Attorney French said they would need to speak with City Attorney Troy Giatras regarding this.

SAFETY MEETING: City Treasurer Ralph Allison reported on the Safety Meeting held on May 19, 2005. A recommendation was made from that meeting that City Council appoint a Safety Committee which would include all members of Council. There should also be a Safety Policy approved and implemented by Council by July 1, 2005. Council should also appoint a Safety Director by July 1, 2005. He said if we don't do this it is going to cost us about \$30,000 a year. Mr. Allison listed the job responsibilities of the Safety Director. Councilman A. A. "Joe" Savilla asked if the Fire Department could take on this responsibility, and Treasurer Ralph Allison answered that he sees no reason why they couldn't, but he thinks we will still need a Safety Director. City Recorder Joan McClanahan recommended Captain Ronnie King with the Fire Department and Councilwoman at Large Brenda Tyler and Councilman Joe Savilla agreed. Mr. Allison stated that the Safety Committee also recommended the position be given to Captain Ronnie King and recommended that they vote on these recommendations at the next Council Meeting. City Treasurer Ralph Allison said action should be taken at the next Council Meeting on this matter.

Councilman A. A. "Joe" Savilla asked how the money was coming in from the dog track and Mr. Allison advised that it wasn't enough to brag about. Councilman Savilla asked if it improving because one of the things they discussed was that if we get enough money from out there, we would remove the \$5.00 municipal service fee. Mr. Allison said we were not getting that much.

Mayor Rusty Casto asked Mr. Allison about the monthly reports to be given to Council. Mr. Allison stated that he should have the reports ready next week.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO HOLD A PUBLIC MEETING CONCERNING THE MUNICIPAL SERVICE FEE INCREASE ON TUESDAY JUNE 21, 2005 AT 7:00 PM IN THE KATHY MATTEA AUDITORIUM IN THE NITRO COMMUNITY CENTER, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Mayor Rusty Casto scheduled a Cell Phone/Paving Committee Meeting of all Council Members on Tuesday June 14, 2005 at 7:00 pm in Council Chambers. Their recommendations will be brought before Council.

Councilman Tim Harrison stated that the lighted fountain at Ridenour Lake looks nice.

Councilwoman at Large Gertie Estep reported that several residents of the Village on Park complained to her about the level of noise at the Handicap Playground after dusk. Ivan Meadows of the Public Works Department stated that there are signs to be posted stating that the Park closes at dusk. Ivan Meadows reported they have signs stating the parks closes at dusk. Mayor Casto suggested giving residents a letter telling them to call 911 if there is a problem with noise after dark. Councilman at Large Bill Clark said it is hot now, and they will shut their windows and turn their air conditioner on. Councilwoman Estep also suggested having someone from Charleston come to the Council Meetings to inform Council Members about the Roberts Rules of Order and Committee Meetings. Mayor Casto said he lets Council have their talk and after they have their say, we have a vote. She said there were rules and regulation that we need to follow.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE YARD SALE FUNDRAISER FOR THE NATIONAL BICYCLE LEAGUE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Councilman A.A. "Joe" Savilla expressed concern over property on Rockledge Drive that is not being maintained.

Councilman at Large Bill Clark yielded the floor to Wayne Fleshman. Mr. Fleshman reported on the Nitro Antique Fair that took place during Memorial Day weekend. He said it was successful and the merchants were happy.

City Recorder Joan McClanahan stated that Sunday June 12, 2005 there will be a retirement party for Mary Trout at the First Baptist Church. Ms. Trout has taught school for 32 years and is the Chairman of the Nitro Library Board.

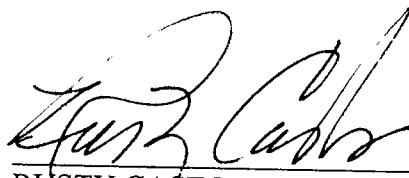
City Recorder Joan McClanahan apologized to Councilman Tim Harrison if she offended him asking questions about the lock boxes.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Council went into Executive Session at 8:15 pm.

Council reconvened from Executive Session at 8:30 pm.

There being no further business to discuss, COUNCILMAN BILL RACER MOVED TO ADJOURN THE MEETING, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
PUBLIC HEARING
JUNE 21, 2005

Mayor Rusty Casto called the Public Hearing to order in the Kathy Mattea Auditorium at 7:00 pm. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen Bill Racer, Tim Harrison, and Mark Goodall. Also present was City Treasurer Ralph Allison. Absent were City Attorney Troy Giatras and Councilman A.A. "Joe" Savilla.

Mayor Rusty Casto informed those attending that the purpose of this hearing is to take comments from the public about the proposed increase in the Municipal Service Fee. He invited anyone present to stand and voice their opinion. A member of the audience who is a city resident asked when the last Municipal Service rate increase took place. Councilwoman at Large Brenda Tyler stated it was five years ago. The resident further questioned what the percentage of increase was at that time. Councilwoman Tyler stated it was a five dollar increase. The resident stated that this increase is twenty-five percent. She also stated that there is approximately \$124,000.00 in uncollected Municipal Service Fees. Mayor Casto questioned City Treasurer Ralph Allison on the amount and Mr. Allison stated it is over \$128,000.00. The resident asked if the City is doing anything to collect this money. Mayor Casto stated that collection letters have been sent out and that the City does not have the ability to shut off water like the Sanitary Department does. The resident asked how long those letters have been out. City Treasurer Ralph Allison said they were sent out within the last two weeks. The resident questioned if there has been response to these letters. Mayor Casto stated there have been a number of phone calls, but he was not sure exactly how many people have paid. The resident questioned whether the City has ever considered publishing in the newspaper the names of people who are delinquent in paying their bills. Mayor Casto said that in the collection letters it states that the City may publish their name in the paper. The resident asked if all Council Members were current on their Municipal Service Fee payments. Several Council Members stated that they were current on their bill. The resident informed Council that it was her understanding that there is a Council Member that is not current on this bill and she assumed that Council Members should be citizens in good standing on all things. The resident questioned how they could know that an increase in the Municipal Service Fee is needed. Mayor Casto stated that they had budget meetings in March and April and there is a rapid increase in insurance, labor costs, and gasoline. He further stated that there is also not money coming forth from Civic Benefits. The resident asked what actions are taken by the City against residents who do not pay their Municipal Service Fee. Mayor Casto stated that it is a statewide problem that has been directed to the legislature. He also said that the City can put a lien on the property so that when the house is sold the money can be collected by the City at that time. The resident asked if the City has ever placed a lien on a property for uncollected payment. Councilwoman at Large Brenda Tyler stated that one of the problems with doing that is that in the past Municipal Service Fee payments have been the responsibility of tenants and it would be difficult to make the property owner responsible for a bill the tenant did not pay. The resident asked if this has changed and Councilwoman Tyler said that did recently change

so that the property owner will be responsible. The resident stated that if the City collected the more than \$128,000.00 in delinquent fees it would help to go a long way rather than on the front end asking all paying individuals to pay for those who are not paying. She said that is an insult and she is really opposed to it. Councilwoman Brenda Tyler stated that they are working harder on it, but outside of the embarrassment (of putting names in the paper) that is the only recourse you have. The resident asked if there is an individual within the City who is responsible for trying to collect the delinquent Municipal Service Fees. Mayor Casto stated it is the responsibility of the Treasurer. The resident asked if sending out letters is all that is being done. Mayor Casto said that is correct. The resident stated that she found that rather meager and she really wished more could be done. Mayor Casto stated it had been brought up before the Legislature practically every session, but it doesn't go. Mayor Casto said the easiest way to handle it would be to put an increase on the property tax rather than mail out a Municipal Service Fee. The County could collect it and then issue a reimbursement check to the City a couple times a year. He further stated that the Municipal League is working on some of the problems concerning collection of accounts and the way the cities go about financing themselves. The resident thanked the Mayor.

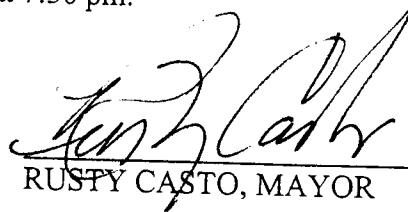
Mayor Casto yielded the floor to Mr. Fisher who was present in the audience. Mr. Fisher stated that he has about 16 rental units in the City. He said he has a lot to do and he doesn't want to be responsible (as the landlord) for collecting the fees for the City. He asked if the City was going to pay him to do it. Mayor Casto suggested that Mr. Fisher add it on to the monthly rent. Mr. Fisher stated he cannot do that because his tenants are under a lease and he cannot break the lease or he may lose a tenant. He further questioned the legality of the City expecting the landlord to collect these fees. Mayor Casto responded that these are questions for the City Attorney and since the Attorney is not present he would have to pose these questions to him. Mr. Fisher asked the Mayor when he expected to pose these questions to the attorney. Mayor Casto stated before July 1st when the Ordinance takes affect. Mayor Casto asked the Treasurer what the actual date is when it takes affect. City Treasurer Ralph Allison stated that the Ordinance takes effect July 1, 2005 so the first billing will not go out until the later part of August. Mr. Fisher said that he has leases that extend for more than a year from now. He questioned how he was supposed to collect from tenants who leave in the middle of the month and if he still had to pay \$25.00 if the property was vacant. Mayor Casto stated that if it's vacant it qualifies for the reduced rate of \$15.00. Mr. Fisher responded if the property is vacant you want \$15.00. Mayor Casto said that is correct. Mr. Fisher said when he bought the properties they were run down and he has spent his time and money to fix them up, he pays for a City License every year, and pays B&O taxes. He said that his property taxes, that the City receives the biggest chunk of, have doubled and now the City wants to stick something else on him. City Treasurer Ralph Allison stated that maybe he should look at it that if he is responsible for it he is guaranteed it will be paid. Tim Sizemore who was present in the audience also spoke against the landlord being responsible to pay the Municipal Service Fee. Councilman at Large Bill Clark said he understood the landlord's concerns with having to collect the Municipal Service fee from their tenants. He said he knew the landlord's concern wasn't so much being out the money if the tenant didn't pay, but rather having to collect the fee and turn it in each

month. He asked that they give him some better ideas. Tim Sizemore suggested they change the licensing. Councilman Bill Clark said the Municipal Service Fee still has to be paid by somebody. Mr. Clark said it could be included in the lease, but now you have the inconvenience of having to pay the City every month. Councilwoman at Large Brenda Tyler asked Mr. Sizemore if when he suggested to increase the licensing fee if he meant that when the City License was renewed each year by a landlord they are charged \$300.00 at that time for each rental property they have. Mr. Sizemore said it is a possibility. Councilman Bill Clark said maybe there could be a discount for every property that a landlord has to collect the Municipal Service Fee from. Councilwoman at Large Brenda Tyler asked if the landlord's main concern was with properties that they already have a lease in effect. Mr. Fisher said yes. Councilwoman Tyler asked if there would be a way to work with landlords who have properties with signed leases. She suggested the City waive the landlords' responsibility to pay the Municipal Service Fee until the lease ends. The landlords would have to give the City a list of their properties with dates that the leases end. Tim Sizemore said that would help.

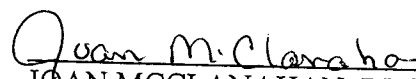
Mayor Casto asked if anyone else from the audience would like to speak out concerning the Ordinance. Susan "Dixie" Davis asked who is entitled to the trash/garbage pick up. Mayor Casto stated that anyone who is in the City limits is entitled. Ms. Davis asked if they have to have a home or building on that property before they have to pay the Municipal Service Fee. Mayor Casto responded that if the lot is vacant the City can only collect property tax. Ms. Davis stated that at the corner of 2nd Avenue and 26th Street there is no house or building, but every day the trash truck runs and trash is picked up underneath a tree at that location. She asked if her trash pickup is going to increase with the rate increase. Mayor Casto stated that the trash more than likely is from neighbors who are already paying the monthly fee. Ms. Davis said she pays her \$20.00 each month for the Municipal Service Fee and they don't come by her house and pick up trash every day. Mayor Casto said it probably isn't picked up everyday. Ms. Davis said there is trash put out there everyday and everyday it is picked up. Ms. Davis told the Mayor she addressed this to him before and he still hasn't gotten back to her. She said she wanted to know why the driver picks up that trash on days other than the regular collection day, but on her street they only pick up trash on the scheduled day. Ms. Davis said if she is paying the same \$20.00 monthly fee as the people who are abusing it, then she should have the same \$20.00 service to her as everyone who is putting their trash under the tree on the empty lot at 2nd Avenue and 26th Street. Councilwoman at Large Brenda Tyler asked if it is the neighbors around the location putting their trash there. Ms. Davis said it is and also people from out of town. Ms. Davis asked if her service would be increased with the \$5.00 increase. Mayor Casto said her service would be maintained, but not increased. Councilwoman at Large Brenda Tyler said this is the first time she was aware of this problem and she will check on it tomorrow and contact Ms. Davis to let her know what she finds out.

Councilman A.A. "Joe" Savilla and City Attorney Troy Giatras entered during the course of the meeting.

The public hearing was adjourned at 7:30 pm.




RUSTY CASTO, MAYOR

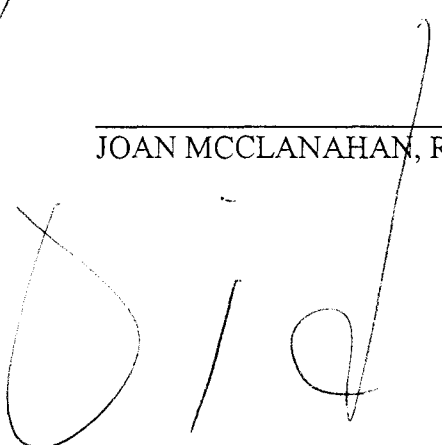


JOAN MCCLANAHAN, RECORDER

The public hearing was adjourned at 7:30 pm.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
JUNE 21, 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 were City Attorney Troy Giatras and City Treasurer Ralph Allison.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 06-07-05 COUNCIL MEETING MINUTES: COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO APPROVE THE JUNE 7, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP. Councilman Tim Harrison stated that under Agenda Item No. 6 the motion to call the vote was out of order. THE MOTION TO APPROVE THE MINUTES WAS CARRIED WITH THE CORRECTION. COUNCILMAN MARK GOODALL ABSTAINED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: Mayor Casto stated that this agenda item would take place later in the meeting.

AGENDA ITEM NO. 3 – PARKING – WEST 11TH STREET: Mayor Rusty Casto reported that the neighbors on West 11th Street from Broadway Avenue to the river would like to have that section of the street be residential parking only. This is due to the fact that the street is very narrow and it is difficult to get a fire truck or police car down to the end of the street. Mayor Casto asked who in the Police Department requested to discuss this street closing. He was informed that it was Captain Javins. Mayor Casto asked that Captain Javins be informed to put the signs up since an Ordinance is already in effect for that section of the street. Councilwoman at Large Brenda Tyler asked Councilman Tim Harrison if they need parking on just one side of the street instead of both sides. Councilman Harrison said it could be residential parking only, but on the one section where it goes into the cul-de-sac it may need to be posted parking only on one side of the street. Councilwoman Tyler said it is already in the original ordinance for residential parking, but the signs aren't up. She stated if they want it to be parking on one side of the street they'll have to go back. Mayor Casto said they will put signs up (for residential parking only) and then they will discuss if they need to outlaw parking on one side of the street at a later time. A resident in the audience stated she received a parking ticket when she parked in front of a resident's house. She asked where they are suppose to park. Mayor Casto told her if they have a sign in front of their house to have them write a note giving you permission to park there and put the note in your car.

AGENDA ITEM NO. 4 – 2ND READING – MUNICIPAL SERVICE ORD.:
COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO READ
THE MUNICIPAL SERVICE FEE ORDINANCE BY TITLE ONLY, SECONDED BY
COUNCILMAN A.A. “JOE” SAVILLA AND WAS CARRIED.

Mayor Rusty Casto read the Ordinance by title only: ORDINANCE
AMENDING PART SEVEN ARTICLE 741 MUNICIPAL SERVICE FEES. Mayor
Casto opened the floor for discussion. COUNCILMAN A.A. “JOE” SAVILLA MADE A
MOTION TO GRANDFATHER IN A SIX MONTH PERIOD FOR LANDLORDS,
SECONDED BY COUNCILMAN BILL RACER. Councilman at Large Bill Clark asked
if the Landlord’s lease could be honored for one year. He suggested the City give the
landlord a form to fill out that lists the properties they own and the dates the lease
expires. At the point the lease expires the landlord will be responsible for the bill.
Mayor Casto said they will amend the Ordinance to a one year period for landlords to be
grandfathered in. A lady from the audience stated that there is already over \$128,000.00
past due and who is going to keep track of this. She said it will be a difficult job and they
will find that it won’t be kept track of either. Mark Sanders, a resident present in the
audience, suggested putting a lien on the property when payments are delinquent.
Councilwoman at Large Brenda Tyler said they can’t go back now and do that. It will
have to be from the time the Ordinance passes. Mr. Sanders asked City Treasurer Ralph
Allison if they know whether the property is owned by the resident or if it is rental
property. Mr. Allison said they currently don’t know. Mr. Sanders said probably the
majority have the owners living there. He said the City needs to determine who owns the
properties. A VOTE WAS TAKEN ON THE AMMENDMENT TO GRANDFATHER
IN A SIX MONTH PERIOD FOR LANDLORDS. VOTING IN FAVOR OF THE
ORDINANCE WERE CITY RECORDER JOAN MCCLANAHAN,
COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE
BILL CLARK, COUNCILMEN A.A. “JOE” SAVILLA, BILL RACER, AND TIM
HARRISON. OPPOSED WERE COUNCILWOMAN AT LARGE GERTIE ESTEP
AND COUNCILMAN MARK GOODALL.

COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION TO APPROVE
THE ORDINANCE FOR THE MUNICIPAL RATE INCREASE, SECONDED BY
COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED. VOTING
IN FAVOR OF THE ORDINANCE WERE COUNCILWOMAN AT LARGE BRENDA
TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMEN A.A. “JOE”
SAVILLA AND TIM HARRISON. OPPOSED WERE CITY RECORDER JOAN
MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP, AND
COUNCILMEN BILL RACER AND MARK GOODALL. THE MAYOR VOTED IN
FAVOR OF THE MOTION AND IT WAS CARRIED.

ORDINANCE 05-05 ATTACHED

AGENDA ITEM NO. 5 – WV WANTS TO KNOW: Mayor Rusty Casto yielded
the floor to Tiffany Terry of WV Wants to Know. Ms. Terry expressed concern over

City records she has reviewed. She stated she had requested financial records detailing expenditures for the previous months, but was only given a line item copy of the budget with a total of expenditures to date for each line. Ms. Terry stated that in October 2004 the City Council voted to ask Mayor Casto to look into recouping the money that was expended from the 11th Street storm drain cleaning. There has been no presentation on this. Ms. Terry expressed concern over the abuse of power and authority by some in the City. She stated she had brought this to the Mayor's attention and now WV Wants to Know is saying it publicly. She said that the citizens of Nitro voted him into office to protect them and expected him to appoint individuals in positions who would take things into consideration before they start wielding their power. Ms. Terry stated that the Mayor was made aware of that abuse of power before tonight's meeting. Mayor Casto asked Ms. Terry if she was referring to the Police Department that she give him specifics on where the Police Department is abusing their power. Ms. Terry stated there was a recent arrest of two residents in which the cases were taken to Kanawha County Magistrate Court and one of the cases was heard by a jury and the individual was found not guilty. The Judge threw out the case against the other individual. Ms. Terry stated that by law the City of Nitro has forty-eight hours to refile. She spoke with individuals at the Court and employees of the City of Nitro and no one thought the case would be refiled. She is concerned that the case was refiled and said it is very disturbing that a member of the Police Department may be trailing an individual, waiting for them to partake in an activity. Ms. Terry stated she did not want to bring this up tonight, she hoped the Mayor would take action on his own because he is aware of it. He is aware of concerns residents have, but does nothing about it. She said the recent situation with the City Court is a huge indication; the fact that the Mayor has not stepped in to end that situation is appalling. The Mayor has allowed the Chief of Police to direct cases from the city to Kanawha or Putnam County when they could be heard here, costing the tax payers of Nitro. Ms. Terry said that any abuse of their authority – he is condoning it and allowing it. She said they will give an update at the next meeting and she hoped Council Members would get detailed financial information. Mayor Casto told her to tell them what they want and he would get with Mr. Allison as soon as possible so they can please her.

Mayor Casto reported on the situation with the mud that was dumped at Ridenour Lake. He stated that the City proceeded according to what the Department of Environmental Protection told them to do and dumping the mud at the lake saved the City roughly \$30,000.00. Mayor Casto said the mud was tested and there was only a slight trace of algae found in it and the company that cleaned out the lines said there was no sewage in the mud. Ms. Terry said she would be more than happy to bring records she received from DEP to the Mayor. She said she could guarantee that the Council Members had not seen the information.

Mayor Casto asked Ms. Terry what she wanted from the finances of the City of Nitro. She stated Council Members should be able to see how money is being spent. Mayor Casto said they were given information in March and April. Councilwoman at Large Gertie Estep said the information was not broke down and she would like to see it broke down, the money going out and the money coming in. She said she had asked for it every month. Ms. Terry said that a line item showing what the yearly budget amount is

and what has been spent year to date is not adequate information. Councilman at Large Bill Clark said he received his information today, but he hasn't had time to look at it. He said he wasn't going to let her badger the Council anymore. He asked what the dumping of the mud at the lake has to do with the money trail she was sent down here for. Councilman Clark said it sounds like a personal attack. Ms. Terry stated that it is not only the City of Nitro taxpayers who are footing the bill, but the County Commission paid out \$50,000.00 for the clean up. The County Commission has in their minutes that it was flood damage. They were told that a FEMA application had been filled out (by the City of Nitro) and sent in to recoup those monies. Ms. Terry said that she was told by City Treasurer Ralph Allison that a FEMA application does not exist because that would be fraud since the flood damage was not caused by an act of God, but by a developer. Councilman at Large Bill Clark said they were not given \$50,000.00.

AGENDA ITEM NO. 6 – TROY GIATRAS: Attorney Giatras reported on a lawsuit that was recently filed by John & Reba Caldwell. He also reported on the Canterbury request for an alley abandonment. Mark Sanders requested a second reading of the recommendation by the Planning Commission concerning his request. There was discussion concerning this matter.

AGENDA ITEM NO. 7 – TREASURER'S REPORT: City Treasurer Ralph Allison reported they had a cell phone committee meeting. It was approved for each policeman to have a cell phone, four cell phones for the Fire Department, one cell phone for the Mayor, one cell phone for the Public Works Department Head, and one cell phone for the Building Inspector. Mr. Allison stated that they have not decided whether the City should issue the phones and have the Department Heads monitor them or if the employees will be given a phone allowance and they can get their own phone. Councilwoman at Large Brenda Tyler reported that she had spoke with other companies on how they handle cell phones and also spoke with cell phone suppliers. She suggested the idea of a phone allowance. She said that as a City they can bid the contract with a cell phone company, but each individual will be responsible for their own phone and the bill will be sent to that individual. If an employee goes over their phone allowance it is their responsibility to pay the extra fees, not the City. There would be no need to have someone monitor the phones. She suggested more information be gathered on this and they put it out to bid. Councilman A.A. "Joe" Savilla scheduled a cell phone committee meeting on Thursday June 30th at 7:00 pm.

City Treasurer Ralph Allison yielded the floor to Councilman Mark Goodall. COUNCILMAN MARK GOODALL MADE A MOTION TO ADOPT A CITY SAFETY POLICY AND TO APPOINT RON KING AS THE COORDINATOR FOR THE CITY WITH COMPENSATION IN THE AMOUNT OF \$2,000.00 A YEAR FOR THIS POSITION, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

COUNCILMAN MARK GOODALL MADE A MOTION TO READ THE CANTERBURY ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

City Attorney Troy Giatras read the Ordinance by title only AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, KNOWN AS A PORTION OF A 10' ALLEY CONTAINING 1, 1776 SQUARE FEET, OF EAST CRAWFORD ADDITION OF THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH 10' ALLEY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO WEST VIRGINIA.

COUNCILMAN BILL RACER MADE A MOTION TO ACCEPT THE FIRST READING BY TITLE ONLY OF THE CANTERBURY ORDINANCE, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

AGENDA ITEM NO. 8 – CITIZEN OF THE MONTH: Mayor Rusty Casto presented the June Citizen of the Month award to Bryan C. Casto, a member of the WWI Memorial Commission, who has worked very hard on getting the Nitro Explosives and War Museum up and running. Mayor Casto stated that Bryan Casto is not his brother as an article in the newspaper stated. He thanked Bryan for all his work on the museum, followed by a warm round of applause. Bryan Casto stated that the entire World War I Commission worked very hard on the museum and invited everyone to a free tour after the meeting.

AGENDA ITEM NO. 9 – MAYOR'S COMMENTS: Councilman Mark Goodall stated that the Planning Commission is working on new forms. He also asked if the Council Meetings could be moved back to Council Chambers as it is hard to hear in the Kathy Mattea Auditorium. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO MOVE COUNCIL MEETINGS BACK TO COUNCIL CHAMBERS, SECONDED BY COUNCILMAN AT LARGE BILL CLARK. Councilwoman at Large Gertie Estep suggested getting speakers to make it easier to hear everyone so they could keep the meetings in their present location. A VOTE WAS TAKEN AND THE MOTION WAS CARRIED WITH COUNCILWOMAN GERTIE ESTEP OPPOSING.

Councilman Tim Harrison suggested having Public Meetings where residents could express their views. He also stated he has received phone calls concerning vehicles being parked in the grass at the pool rather than in the parking lot.

Councilman Bill Racer thanked WV Wants to Know.

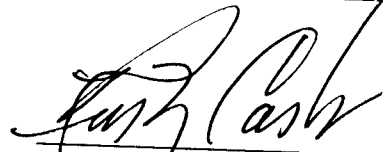
Councilwoman at Large Gertie Estep thanked WV Wants to Know for all their work.

Councilwoman at Large Bill Clark thanked WV Wants to Know for their concern and said no disrespect was meant on his part.

Councilwoman at Large Brenda Tyler said that for Saturday's election those who normally vote at the Women's Club will be voting at the Community Center. Mayor Casto said letters were sent out with that information.

City Recorder Joan McClanahan said seating is more comfortable in the Kathy Mattea Auditorium for Council Meetings, but it is harder to hear so she agreed it was necessary to move the meetings back to Council Chambers. She commended Councilwoman Gertie Estep for voting how she feels.

There being no further business to discuss COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

ORDINANCE AMENDING PART SEVEN ARTICLE 741
MUNICIPAL SERVICE FEES

WHEREAS, the City of Nitro declares the necessity and convenience to increase the rate for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation, and garbage and refuse collection (excluding sewage and sewage disposal and other essential municipal services),

NOW THEREFORE, BE IT ORDAINED, that the City of Nitro hereby amends Part Seven Article 741 titled "Municipal Service Fees" as follows:

741.01 IMPOSITION: RATE

(a) There is hereby levied and shall be collected a charge against residential users of municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service, recreation and garbage and refuse collection (excluding sewage and sewage disposal and other essential municipal services). The charge for such services shall be at the rate of Twenty Five Dollars (\$25.00) per month for each single-family unit residence, per unit, and for each multiple-family dwelling or apartment house, per each residential unit of apartment, whether or not occupied.

There is hereby levied and shall be collected a charge against commercial users of municipal services situate within the City for essential municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning, street improvements, ambulance service,

recreation and garbage and refuse collection, (excluding sewage and sewage disposal and other essential municipal services). The minimum charge for such services shall be at a rate of Twenty Five Dollars (\$25.00) per month for each commercial business, per unit, and in buildings where there are more than one commercial business unit, firm or corporation, each unit or business unit, firm or corporation shall be considered as a separate unit with respect to service rendered under the terms hereof, and with the duty of subscribing for service and paying for service to the respective commercial unit. Any business establishment requiring collection of garbage or refuse more frequently than once a week or having more than One Hundred (100) Pounds per week shall enter into a separate agreement with the City (Board of Public Works Director) and the fees for said collection shall be negotiated with the City. The minimum monthly charge of Twenty Five Dollars (\$25.00) is hereby levied and shall be collected against all business entities within the City whether said business entities use City services relative to garbage and refuse collection or contracts with others for the same service.

(b) The City Treasurer shall be charged with the duty of mailing a statement on a monthly basis to each residence and business to be charged with the municipal fee hereby imposed for the fee due for the preceding month, but failure to mail any statement for monthly charges shall not be grounds for avoiding payment. A statement shall be mailed by the Treasurer at least as frequently as once each month and any such statement may be consolidated by

the Treasurer with statements for other municipal fees and services due from such person or business entity. If a monthly statement is mailed by the Treasurer, it may be mailed each month on a date selected by the Treasurer but the Treasurer shall render the monthly billing to such person or business entity in a uniform manner so that each monthly bill is mailed at intervals of approximately thirty days.

(c) Subject to such reasonable regulations as may be promulgated by the City Treasurer and approved by City Council, the record owner of the property upon which a single-family residence or business is situate shall be presumed to be the user of municipal service rendered for the benefit of such property or business and the record owner shall be liable to the City for such charges; the tenants or occupants of the business units or of the multi-business complex or residential units of a multi-family dwelling or apartment house shall be presumed to be the users of such municipal services and shall be liable to the City for such charges. However, in the event that a business unit or business unit of a multi-business complex or a residential unit of a multi-family dwelling or apartment house is temporarily unoccupied, then and in that event, the record owner of the property upon which such multi-business unit or multi-family dwelling or apartment house is situate shall be presumed to be the user of the municipal services provided to each such unoccupied unit and shall be liable to the City for such charges. Subject to such reasonable regulations as may be promulgated by the City Treasurer as aforesaid, the record owner of the property upon which

such multi-business unit, multi-family dwelling of apartment house is situate shall be charged with the responsibility of collecting in advance the charge imposed by this section from the tenants or occupants of such business units, dwelling units, or apartments and properly remitting same to the City Treasurer and shall be liable to the City in the amount of such charges for failure to do so or for failure to maintain adequate records from which such liability may be ascertained.

(d) When the aggregate gross income of all persons residing in a single family residential unit maintained and occupied by a resident of the City during the preceding calendar year of the City shall be less than Sixteen Thousand Dollars (\$16,000.00), the rate to such residential unit during such fiscal year shall be reduced to Fifteen Dollars (\$15.00) per month, provided, that the resident who occupies such domestic establishment makes an application for such rate to the City Treasurer and files therewith an affidavit pertaining to the relevant facts. The rate and charge shall become effective the first day of the month following approval of the application.

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

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

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

(g) All accounts shall be considered delinquent if not paid by the last day of each following month for which the service is rendered. All delinquent accounts are subject to stoppage of service with notice. Any billing unpaid by the last day of the following month for which the services were rendered shall, in addition, be charged a delinquent fee amounting to ten percent (10%) of the unpaid billing. After the delinquent fee has been assessed, the City shall notify

the customer by letter and inform the customer of the amount owed; the failure to pay the amount in full within ten days will result in termination of service; and that amount will be collected through legal proceedings with the attorney fees of the City added thereto. The City shall have the power to waive any delinquency or interest charge, if in the City's discretion, such action is warranted.

Passed on the First Reading on

May 3, 2005

Adopted on Second Reading
on the 21st day of June, 2005,
after a public hearing held immediately
prior to regular

Meeting of Council, on the
21st day of June, 2005.

Ken Z. Cash
Mayor

Joan McLanahan
City Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES
JULY 5, 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. Absent were City Attorney Troy Giatras and City Treasurer Ralph Allison.

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

COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 06-21-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO APPROVE THE JUNE 21, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 2 – PUBLIC HEARING MINUTES: COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO APPROVE THE PUBLIC HEARING MINUTES FROM JUNE 21, 2005, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 3 – MAYOR'S INTRODUCTIONS: No one to introduce.

AGENDA ITEM NO. 4 – CITIZEN OF THE MONTH: Mayor Casto reported that the Citizen of the Month award will be presented at the next Council Meeting.

AGENDA ITEM NO. 5 – CELL PHONE COMMITTEE REPORT: Councilman Mark Goodall gave each Council Member a draft of the Cell Phone Policy for the City of Nitro. This draft was drawn up by the Cell Phone Committee and Councilman Goodall stated that the committee welcomes any comments from Council on changes or additions. Their committee will be meeting on Thursday July 14, 2005 to finalize any changes to the draft and will present a final copy at the next Council Meeting. Councilwoman at Large Brenda Tyler stated that the Police and Fire Departments use their cell phones in life saving situations and because of this some exceptions may need to be made in the policy. She gave an example that the draft states that no employee shall talk on the phone while operating a motor vehicle, but sometimes the Police are driving while they are on the walkie talkies. Councilman Goodall said that some exceptions could be made for the Police and Fire Departments for these situations. Mayor Rusty Casto stated that the cell phone contract runs out in two months so if they get something done by the first Council Meeting in August they will be in good shape. Councilman Goodall suggested that any comments need to be addressed at the Thursday Cell Phone Committee meeting so they can make changes and present a final draft to Attorney Giatras and Mark French for approval prior to the next Council Meeting.

AGENDA ITEM NO. 6 – TROY GIATRAS: Mark French stood in for City Attorney Troy Giatras. Mr. French stated that it would be appropriate to have a second reading of the abandonment of the alleyway with respect to Mark Sander's property. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO READ THE ALLEY ABANDONMENT ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mark French read the Ordinance by title only: AN ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, KNOWN AS A PORTION OF A 10' ALLEY CONTAINING 1, 1776 SQUARE FEET, OF EAST CRAWFORD ADDITION OF THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH 10' ALLEY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADOPT THE ALLEY ABANDONMENT ORDINANCE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

ORD. 05-06 attached.

Mark French handed out to Council for their review, a general acknowledgment that will be given to those who have a property abandoned to them which they will need to endorse. The acknowledgment states that the deed must be recorded with the County Clerk within thirty days of passage of the Ordinance and will also require them to file with the City Recorder proof that taxes have been paid on that property within one year.

Mr. French stated that they are investigating other lawsuits and will have more information to present at the next Council Meeting.

AGENDA ITEM NO. 7 – RALPH ALLISON: City Treasurer Ralph Allison was not present.

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Casto reminded everyone that the All Class Reunion will be held on July 15, 2005 and also at the Nitro Community Center in the morning on Saturday July 16, 2005.

Mayor Casto reported on the Nitro Biddy Basketball League. If the City is a Co-Sponsor of this league; the Nitro Biddy Basketball League will be covered by the City's insurance. This would save the League \$2,200.00. Councilwoman at Large Gertie Estep asked what it would cost the City and Mayor Casto said it would cost the City nothing as they would be covered by the City's blanket policy at the Nitro Community Center. The league will be charged \$3,000.00 rent for use of the Community Center. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION FOR THE CITY TO BE A CO-SPONSER OF THE NITRO BIDDY BASKETBALL LEAGUE, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

Councilman Mark Goodall reported that Captain Ron King, Safety Coordinator for the City of Nitro, would like to have a meeting with the Safety Committee. A gentleman from Brim will attend the meeting to outline the job requirements for the Safety Coordinator position.

Councilwoman at Large Gertie Estep commended Jessie Raynes for her actions during a recent lawsuit against her. The suit was dismissed in court.

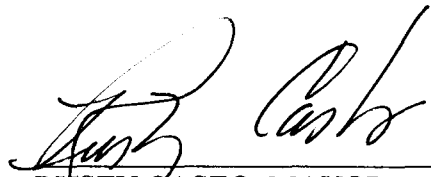
Councilwoman at Large Brenda Tyler presented Mayor Casto with a check for \$500.00 to be deposited into the Dewey Mann Fund. She also stated that she will be reporting to Council on fund raising ideas now that the Coca Cola Contract has been finalized.

City Recorder Joan McClanahan stated that there have been numerous complaints from City residents concerning the high grass and weeds that are taking over the road on Third Avenue from 21st Street to Hickory Road. This road belongs to the City and the problem needs addressed. Ms. McClanahan also requested that the Police Department replace the "Slow Children Playing" sign that was stolen at the corner of 31st Street and Second Avenue. She also informed everyone that there will be a retirement party for Pansy Armstead who has worked for the City of Nitro for almost 24 years. The party will be held on Friday July 15, 2005 from 11:00am till 1:00 pm in the Conference Room of City Hall. She encouraged everyone to attend.

City Recorder Joan McClanahan yielded the floor to Tiffany Terry of WV Wants to Know. Ms. Terry stated that she had hoped to have a presentation ready for Council, but her organization has not been able to get the final financial information from City Treasurer Ralph Allison. She stated that when WV Wants to Know first came into the City they requested information and many documents were made available to them. She said the workers at City Hall were most accommodating and gave them information as instructed by City Treasurer Ralph Allison. Ms. Terry said the problem is that Mr. Allison has failed to provide the information they have requested specifically to other accounts. She stated that she has mailed letters to Mayor Casto and Mr. Allison stating that further delays are no longer acceptable. Mayor Casto stated that he had not seen that letter. He said Ms. Terry seems to faxed her requests when he takes a day off and they wind up missing. Ms. Terry stated that it was faxed so the Mayor obviously knows her modes of how she sends things; she sends via fax. Mayor Casto told Ms. Terry to tell him what she wants. Ms. Terry said she will have a list for the Mayor first thing in the morning. She stated that she requested the information over two months ago and she is sure the City Attorney will let the Mayor know there is a specific time frame and she has been very patient in waiting for the information. She said further delays are not acceptable and she will get correspondence to the Mayor's office either hand delivered or by certified mail so there is no question that the Mayor has it. Ms. Terry stated that she hoped to have the information by the end of the week because she would like to make a presentation at the next Council Meeting. She formally asked to be placed on the next Council agenda. Ms. Terry stated that she had received several calls that people could not hear her comments at the last Council Meeting and they requested that she repeat

those comments. Mayor Rusty Casto stated that she could do that at the next Council Meeting.

There being no further business to discuss COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

ORDINANCE NO. 05-06

N ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, KNOWN AS A PORTION OF A 10' ALLEY CONTAINING 1, 1776 SQUARE FEET, OF EAST CRAWFORD ADDITION OF THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH 10' ALLEY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA .

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

WHEREAS, a 10' alley containing 1,776 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia, is shown on a certain plat of the City of Nitro, however, the said 10' alley has never been opened to public us as a thru alley way; and

WHEREAS, abutting property owner to the said 10' alley has requested that portion of the said 10' alley which abuts his property be abandoned; and

WHEREAS, on MAY 12, 2005, the Planning Commission for the City of Nitro approved the petitioner's request to abandon said 10' alley; and

WHEREAS, on JUNE 7, 2005, at a regular called City Council meeting, the City of Nitro, by its council, moved to abandon the said 10' alley and close that 10' alley to public use and convey the said 10' alley to the abutting property owner; and

WHEREAS, a public hearing was held on MAY 12, 2005, for the purpose of discussing the abandonment of the said 10' alley at which public hearing no one objected; and

NOW THEREFORE, be it ORDERED by Council of the City of Nitro, West Virginia, that the said 10' alley, containing 1,776 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia, more particularly bound and described and as shown on Exhibit "A" attached hereto, is hereby closed, abandoned and discontinue.

The City of Nitro hereby reserves a sewer easement for the full length and width of the above described alley for the purpose of constructions, maintenance, repairs and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor later the present surface profile or contour of subject right-of-way by more than one (1) foot without the written/permission of the Sanitary Board of the City of Nitro and the Building Inspector of the City of Nitro.

The Purchaser takes possession of the land subject to any pre-existing easements and or/covenants as may be reflected in the chain of title.

The City of Nitro does not, in any way, warrant the title of the subject property conveyed.

The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge and deliver proper deed conveying all right, title and interest in and to said 10' alley to said abutting property owner, on condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer and all other utilities crossing said real estate as described on "EXHIBIT 1" attached hereto, and upon payment by the petitioner of any legal fees due and owing to the City of Nitro for said abandonment.

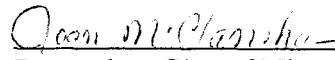
All ordinances, or part of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Passed on first reading: JUNE 7, 2005



Mayor, City of Nitro

Passed on second reading: JULY 6, 2005



Recorder, City of Nitro

Description

10' Alley

Beginning at a 1/2" rebar in the southern right-of-way line of a 10' alley at the most northeast corner of lot 51 of Block "M", Section Two, East Crawford Addition;

Thence, N 55° 01' W, 177.21', being a chord bearing and distance, with lot 51 thru 45 to the most northwest corner of said lot 45 of said East Crawford Addition to a 1/2" rebar;

Thence, N 36° 29' E, 10.02', crossing said alley to a 1/2" pipe at the most southeast corner of lot 17 of said Addition;

Thence, S 55° 00' E, 177.00', being a chord bearing and distance, with lot 17 thru 23 to the most southwest corner of said lot 23 of said Addition;

Thence, S 35° 18' W, 10.03', crossing back over said alley to the point of beginning and containing 1776 square feet.

TAX MAP 27

E WEST BOUND MAIN

CONRAIL R.R. TRACKS

MICHIGAN AVENUE
(UNIMPROVED)

PARCEL A

PARCEL B

TAX PARCEL 45

MARK E. SANDERS SR.

DB. 2575 P. 6768

0.409 AC.

TAX PARCEL 41

LARRY W. DAWSON

DB. 2440 P. 6493

BLOCK "M"

EAST CRAWFORD SECTION TWO

ABANDONMENT MAP FOR

MARK E. SANDERS SR.

BEING MICHIGAN AVE.

ADJACENT LOTS 45 THRU 51

BLOCK "M" SECTION TWO

EAST CRAWFORD ADDITION

LOCATED IN THE CITY OF NITRO

NITRO DISTRICT, KANAWHA CO., WV.

SCALE: 1"=30'

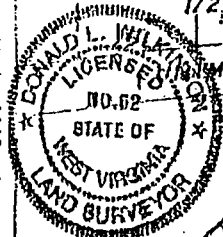
WILKINSON SURVEYING AND ENGINEERING INC.

DUNSMITH, WV.

FEBRUARY 23, 2004

FB. 89 PG. 8

TAX PARCEL 47
LINDA S. CANTERBURY
DB 2463 P. 6113
BLOCK "M"



LICENSED LAND SURVEYOR NO. 62

FENCE POST
1/2 REBAR

(CHORD) S 55° 01' E 177.21'

TAX PARCEL 45

CRW LINE STATE ROUTE 25
TO NITRO

1/2 RE-BARS

1/2 REBAR

1/2 REBAR

TO NITRO

54 53 52

44 43 42 41 40 39

51 50 49 48 47 46

45

23 22 21 20 19 18

17

JUN. 6. 2003 1:41 PM

CERTIFICATE

I, Joan McClanahan, Recorder
of the City of Nitro, West Virginia, do hereby certify that the attached is a true and correct
copy of that certain Ordinance No. 05-06, duly filed and of record in the
office of the Recorder of the City of Nitro, West Virginia, passed by the
Council of the City of Nitro at the meeting held on July 5, 2005, 2005, and further
certify that said ordinance was passed by the Council of the City of Nitro by the following
vote:

YEAS:

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.

ABSENT:

None

ABSTAINS:

None

Given under my hand and the official seal of the City of Nitro, West Virginia, this 6th day
of July, 2005.

(seal)

RECORDER of the City of Nitro

CITY OF NITRO
COUNCIL MEETING MINUTES
JULY 19, 2005

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 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 Gertie Estep.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

Charlton Jordan sang the National Anthem. Councilwoman at Large Brenda Tyler informed Council that Charlton has been contacted by gospel singer Bill Gaither and will be meeting with him in September in Wheeling.

AGENDA ITEM NO. 1 – APPROVAL OF 07-05-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE JULY 5, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: No one to introduce.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: Mayor Casto stated that Denny Dawson will be presented with the July Citizen of the Month award at the next Council Meeting. Mr. Dawson is a Nitro citizen who has been selected to head the KRT.

AGENDA ITEM NO. 4 – APPROVAL OF THE 12-02-04 PLANNING COMMISSION MINUTES: City Recorder Joan McClanahan stated that the December 2, 2004 Planning Commission minutes were originally submitted to Council on February 1, 2005. At that time they were tabled due to a question about abandonment that Councilman Savilla had for the attorney. This question was addressed at the April 19, 2005 Council Meeting. Council members were given a copy of these minutes to review. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO APPROVE THE DECEMBER 2, 2004 PLANNING COMMISSION MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

Copy attached.

AGENDA ITEM NO. 5 – KEITH STATHERS: Mayor Casto yielded the floor to Keith Stathers. Mr. Stathers stated that he was going to address Council concerning City workers, but will decline to speak on that now. He asked Council if they had any

problem with him taping the Council Meetings or if he's been any trouble being there. Mayor Casto stated he did not have any problem. Councilwoman Brenda Tyler said that she did not have a problem with Mr. Stathers being at Council Meetings, but she did have a problem with him following individuals around town and filming them at their home or going to the pool and filming. Mr. Stathers questioned Ms. Tyler as to who she was referring to that he was following. Councilwoman Tyler said that he had an incident at the pool. Mr. Stathers stated that Ms. Tyler said "following". Councilwoman Tyler replied Casey Mathes. Mr. Stathers asked if she had proof. Councilwoman Tyler asked Casey Mathes if he had an altercation with Mr. Stathers. Mr. Mathes replied that he did. Mr. Stathers asked that until Ms. Tyler had proof that he was following Mr. Mathes that she decline that comment. Councilwoman Tyler said she would not. She stated that she said she has no problem with him filming the Council Meeting, but she does have a problem with him filming people at their residence and at the pool. Councilman at Large Bill Clark asked Mr. Stathers about his comment concerning the City worker. Mr. Stathers replied that he stated he was not going to comment on that until further notice. Councilman Savilla asked him if it was ok for him to throw out an innuendo like that. Mr. Stathers replied that he said he would speak on that at another date. Councilman Clark stated that his accusation is still there that a City worker made a threat. He asked Mr. Stathers if he wanted to retract that or did he want to talk about it. Mr. Stathers replied that he will retract that for the time being. Councilman Clark thanked him.

AGENDA ITEM NO. 6 – KAREN FRITZ: Mayor Casto yielded the floor to Karen Fritz. Ms. Fritz stated that since she has been coming to Council Meetings there have been a lot of innuendos and stories and rumors and problems. She stated that all business for Nitro should be discussed in City Council meetings. Ms. Fritz listed several recommendations for Council Meetings. She stated she would like to see more professionalism with the Council. She has observed various Council Members and the Mayor going over to the church (where Councilwoman Brenda Tyler works) and she is assuming this is Council business. She said this needs stopped as anything that is discussed should be discussed in the open. Mayor Casto asked if they are supposed to stand in the middle of the street. Ms. Fritz said no, they can do it on business time and if those people are at work they can do it after hours. Councilwoman Tyler stated that the Pastor of that church serves as a Chaplain for the Police and Fire Department and the Council is with them regularly. Ms. Fritz replied to Ms. Tyler that she can answer anyway she likes, however this has been going on for a very long time. She said she is sure he does serve as the Chaplain, but there needs to be more professionalism. She said the City finances are in a mess and the more information the Council gives the public, the less apt the public are to accuse Council of things. Councilman at Large Bill Clark asked Ms. Fritz how she can assume that when the Mayor walks to the church he is discussing Council business with Councilwoman Brenda Tyler. Ms. Fritz stated that the Mayor should not be visiting her on social calls during business hours. She stated he could call her on the phone. Councilman Clark replied that maybe he wants to save his cell phone time. Ms. Fritz said it is still tacky. She asked Councilman Clark why he went to Keith Stather's father after the last Council Meeting and make threats. Councilman Clark stated that there were no threats made. He stated that Mr. Stather's father was at the meeting tonight if they need to discuss it. Mr. Clark stated he has known Keith Stathers

for twenty some years and he just wanted to let his father know what Keith was into, how he was disturbing and causing an annoyance for this Council. Ms. Fritz replied that Councilman Clark said he wasn't earlier, that there was no problem with him being here or filming. Councilman Clark said he spoke with Keith's father about issues maybe concerning the salvage yard he is running and the City may view that. And with his son bringing up the attention of himself and bringing him to light since he lives with him; it may end up causing problems for him. Mr. Clark stated that he did not threaten Keith Stathers father. Mr. Stathers agreed with Councilman Clark that he was right, his son is an idiot, he can't do anything with him, he's running with that bunch, and I've tried to talk with him. Mr. Clark stated that was all that was said. Ms. Fritz said she has been to Council Meetings for eight months and she has not seen one thing out of Keith that would be embarrassing to her. Councilman Clark stated that Keith's dad thinks he's an idiot because he continues to run with these people and acts like some type of a radical. Ms. Fritz stated that is outside this Council Meeting and she doesn't appreciate it. Council Clark stated that he did not see a written complaint from Keith Stathers and Keith didn't get up and complain about him. Mr. Clark stated that Keith knew he went to him in a friendly manner. Ms. Fritz stated that Councilman Clark shouldn't have been there at all. Councilman Clark replied he didn't hear him complaining and he shouldn't hear Ms. Fritz complaining or his son because his son is living with him. He is a citizen of this town, but he's not a property owner or a tax payer. Ms. Fritz replied that the citizens of Nitro do not work for the Council, the Council Members work for the citizens of Nitro.

AGENDA ITEM NO. 7 – WV WANTS TO KNOW: Tiffany Terry of WV Wants to Know was not present.

AGENDA ITEM NO. 8 – TROY GIATRAS: City Attorney Troy Giatras addressed Council concerning the City's participation in the Housing Consortium Agreement that includes several towns. He recommended that Council have the first reading at tonight's meeting. He stated there has been a deed provided for a property abandoned to Linda Canterbury. Attorney Giatras gave a brief report on lawsuits the City is involved in and stated that in respect to the Statewide Development issue, the City has received some engineering analysis and they are waiting for the opinion report to move forward on that investigation.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO READ THE HOUSING CONSORTIUM ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

City Attorney Troy Giatras read the Ordinance by title only: THAT THE MAYOR IS HEREBY AUTHORIZED AND DIRECTED TO ENTER IN TO A HOUSING CONSORTIUM AGREEMENT BETWEEN THE CITY OF CHARLESTON, THE KANAWHA COUNTY COMMISSION, THE TOWN OF BELLE, THE TOWN OF CEDAR GROVE, THE TOWN OF CLENDENIN, THE TOWN OF MARMET, THE CITY OF NITRO, THE TOWN OF PRATT, THE CITY OF ST. ALBANS, THE CITY OF DUNBAR, THE CITY OF SOUTH CHARLESTON

TO RENEW THE CHARLESTON/KANAWHA COUNTY HOUSING CONSORTIUM FOR FISCAL YEARS 2006, 2007, AND 2008.

COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 9 – RALPH ALLISON: Not present.

AGENDA ITEM NO. 10 – MAYOR'S COMMENTS: Councilman Tim Harrison thanked Ms. Fritz for her work on the packet she presented to Council. He stated he would like more information on the agendas. Mr. Harrison asked what the standing was on auctioning the Miller property. Mayor Casto stated that he would talk with Chris Amick about it this week and report back at the next Council Meeting. The Mayor was concerned about the lawsuit on the property and said the City may be better to hold on to it.

Councilman Bill Racer stated that he also liked the information sheet from Ms. Fritz. He said he'd like to go along with it; he'd like to know where the money is going. Councilwoman Brenda Tyler said that he approved it at the Budget. Ms. Fritz said it was talking about the monthly spending.

Councilman A.A. "Joe" Savilla stated that he agreed with a lot of the things on Ms. Fritz' information sheet. He said he didn't like some of her innuendos, that's her opinion. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO NOT ALLOW WV WANTS TO KNOW TO BE PLACED ON THE AGENDA AGAIN.

Councilman at Large Bill Clark stated that Keith Stather is associated with WV Wants to Know and that she (Wanda Carney of WV Wants to Know) has a twenty million dollar lawsuit against the City, that's reason enough. He said second of all if they don't send them out of here; Mr. Stathers is targeting his camera and that is disturbing to him. Councilman Clark said if he wants his camera in the Council Meeting he can take a place in the back unless he has a media pass.

COUNCILMAN AT LARGE BILL CLARK SECONDED THE MOTION CONCERNING WV WANTS TO KNOW.

Councilman Bill Racer stated that he personally thinks they do a pretty good job. Councilman Savilla stated he thinks they do a lousy job. Councilman Clark said they do a great job of making a circus of this city. Councilman Savilla said they have their forum and this is not it. He said they are the elected body of the City of Nitro, they are to discuss the City business and they have no stand in here. They have been on TV and the radio and have been bad mouthing our Mayor, our City, our Police Chief, everybody in the City of Nitro, our Treasurer. Councilman Savilla said we are not going to give them an open forum. If they want to do that they can stand outside and do that. Councilman Mark Goodall replied that he thinks it's wrong to ban anybody from our agenda or our

meetings simply because we might not like what they have. That's the wrong attitude. Councilman Savilla responded that they are stopping citizens of Nitro from talking because they are taking up so much time. He said open mike night is no longer available in Nitro for WV Wants to Know.

Mayor Casto yielded the floor to Karen Fritz. Ms. Fritz stated that Keith Stathers is not associated with WV Wants to Know, they know them. She stated that if there is nothing in the City books that are suspect you would welcome their (WV Wants to Know) help. She said from what she has observed there are some big problems that the City is trying to keep under wraps. She said they need the help of WV Wants to Know. She stated the Council Meeting is a public forum, this is a City and anyone is welcome. Councilman Clark replied that if they did it in a right manner it would be fine. He said Keith Stathers has been targeting him and it's annoying him.

Councilman Savilla stated that if WV Wants to Know needs to request something they put in a foia request in writing and mail it or drop it off to the City of Nitro. The City will fulfill the request, give them the information, and charge them so much a sheet. They won't need to clog up City Hall anymore. Councilman Clark stated that Tiffany Terry got into a discussion with the Pool Manager and tried to get involved in a little eaves dropping while she was here and she should have been escorted out of City Hall.

Mayor Casto yielded the floor to Keith Stathers. Mr. Stathers asked Councilman Clark to retract the statement about him being involved with anything. He stated he is totally independent; he is a concerned citizen of Nitro. Councilman Clark asked Mr. Stathers if he wanted them to believe he is not sending any of the pictures to WV Wants to Know. Mr. Stathers said he is not and asked him to decline that statement. Councilman Clark said he has other information that says Mr. Stathers is.

A VOTE WAS TAKEN ON THE MOTION TO NO LONGER ALLOW WV WANTS TO KNOW TO BE PLACED ON THE AGENDA. THOSE VOTING IN FAVOR WERE COUNCILMEN TIM HARRISON AND A.A. "JOE" SAVILLA, COUNCILMAN AT LARGE BILL CLARK, AND COUNCILWOMAN AT LARGE BRENDA TYLER. THOSE OPPOSING WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILMEN MARK GOODALL AND BILL RACER. THE MOTION PASSED.

City Recorder Joan McClanahan expressed concern over stopping free speech; while she said it should be controlled by the Mayor. She said it saddens her that the Council has attempted to stymie anyone. Councilman Savilla responded that they are not being stymied. They have their foia request; they can get all they want for ten cents a sheet. They are just not going to come in to Council Meetings and grand stand anymore. If they are going to continue to get on the radio, TV, and newspaper and talk about the City of Nitro like a dog, they are wrong and he is sick of it. Councilman Clark said they have made a mockery of the City. Councilman Savilla said they found nothing. Councilman Clark said they're still digging. City Recorder McClanahan said she heard response today from Sgt. Savilla. Councilman Savilla said once again they are attacking

our Police Department, they don't know anything, they're just making rash statements and he's not going to put up with it. Councilman Clark said it was already put up for discussion before they voted, it's a done deal.

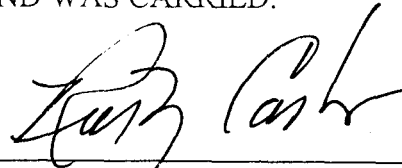
Councilman Tim Harrison said WV Wants to Know was compliant up to a point, then they found the line and they crossed it. He said if they want financial records there are procedures in place.

City Recorder Joan McClanahan asked Councilman Savilla if the Council was I or we. Councilman Savilla replied "It's we". Ms. McClanahan stated he said "Then I won't allow it". Councilman Savilla said it's his vote. It was a four to three vote.

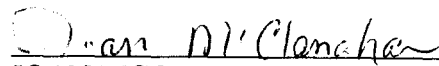
Councilwoman at Large Brenda Tyler said it distresses her when people go on the radio and call our Police ignorant. She said she will stand with the Police and Fire Departments and most people don't realize the danger these people are put in day in and day out.

Mayor Casto stated that some time in the next couple of weeks he's going to see Senator Byrd and try to get money for the Nitro - St. Albans Bridge and the Interstate Bridge and a new Post Office. These are things he'd like to get done rather than sit and argue about things.

There being no further business to discuss COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

PLANNING COMMISSION CITY OF NITRO

MINUTES of DECEMBER 2, 2004 MEETING

The Planning Commission of the City of Nitro held a Public Meeting, December 2, 2004. The meeting was called to order by Chairperson, Margaret Hudson, at 7:00 p.m. in Council Chambers at the Nitro Community Center. Other members present were Mark Goodall, Lonnie Blaylock, Kermit Thompson, John Montgomery and Diana Painter. The meeting began with a minute of silence in memory of Dr. Charles Byrd, a long time member of the Planning Commission who died recently.

The first item considered was the request from Fred and Mary Newman "to close the alley located behind and boarding their property (plot 91) between Layne and Main Avenues." Following a period of discussion, John Montgomery moved that "the request be approved with the stipulation that the deed contain a prohibition against construction of any structure in or on the property being deeded." The second was from Lonnie Blaylock. Motion carried.

The second request was from Paul McClanahan, Principal of Nitro High School, "to extend the roofs of the ticket booths at Underwood Field into a portion of unused Park Avenue." None of the members could see a problem with this request. Kermit Thompson moved that we "approve the request as per the dimensions quoted." A second was made by John Cunningham. Motion carried.

The third request was from Larry Dawson "to close Fredrick Avenue between his property (plot 89) located at 418 South First Avenue and the railroad track property." Kermit Thompson moved that "we accept and approve Larry Dawson's petition to abandon the portion of Fredrick Street bordering his property as shown on the map with the understanding that he is responsible for drainage issues and any fees involved in having the deed prepared." A second came from Lonnie Blaylock. Motion carried.

A request from the Bias Family to divide a 3.85 acre track of land bordering Asbury Road was tabled on a motion from John Montgomery, a second from Diana Painter and a vote that carried the motion.

The situation in the Riverdale section of Nitro concerning an alley bordering Route 25 (Hubbard and J.J. Casto, properties in particular) and the merits of a quick claim deed to the state were discussed. A motion was made "to recommend a quick claim deed be made to the state for this alley because no records of ownership of said property can be located-we recommend that the city relinquish whatever interest to the state with the city maintaining easement for utilities." The motion received a second from Lonnie Blaylock. Motion carried.

Following a brief discussion of "Items we feel need addressed." (A copy is attached.) The meeting was adjourned at 8:25 p.m.

Margaret A. Hudson

Margaret A. Hudson, Chairperson

April 14, 2004

Re. Alley behind #91.

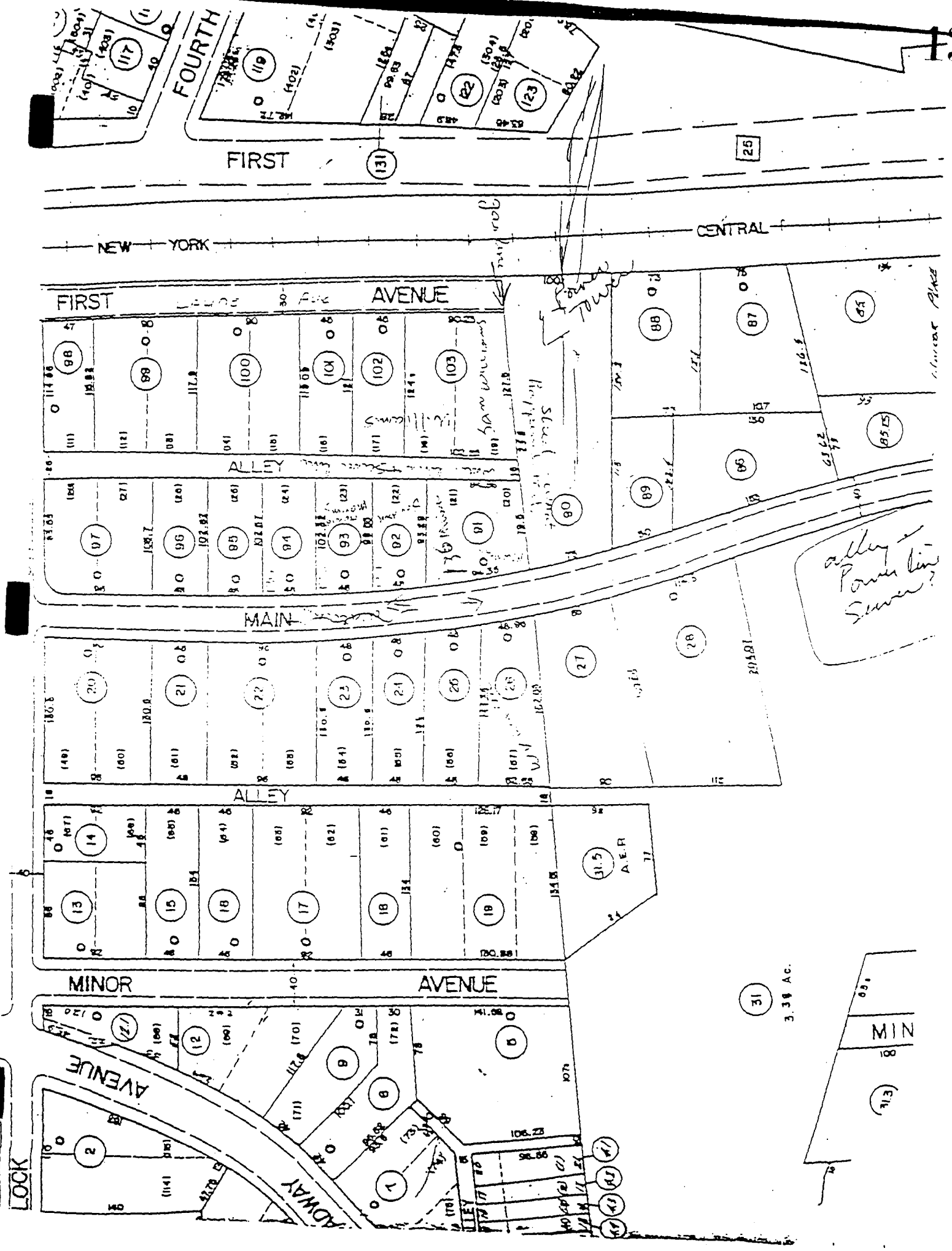
We are very interested to purchase half of the alley behind our property #91. This alley has not been in use.

The reason to purchase half of the alley is that if the City takes all of it to make more of a thoroughfare, the alley will be closed off to the street and the property will be cut off from the street. We are interested in purchasing half of the alley to keep it open and use it as a driveway for our property. We are willing to pay a reasonable price for the half of the alley.

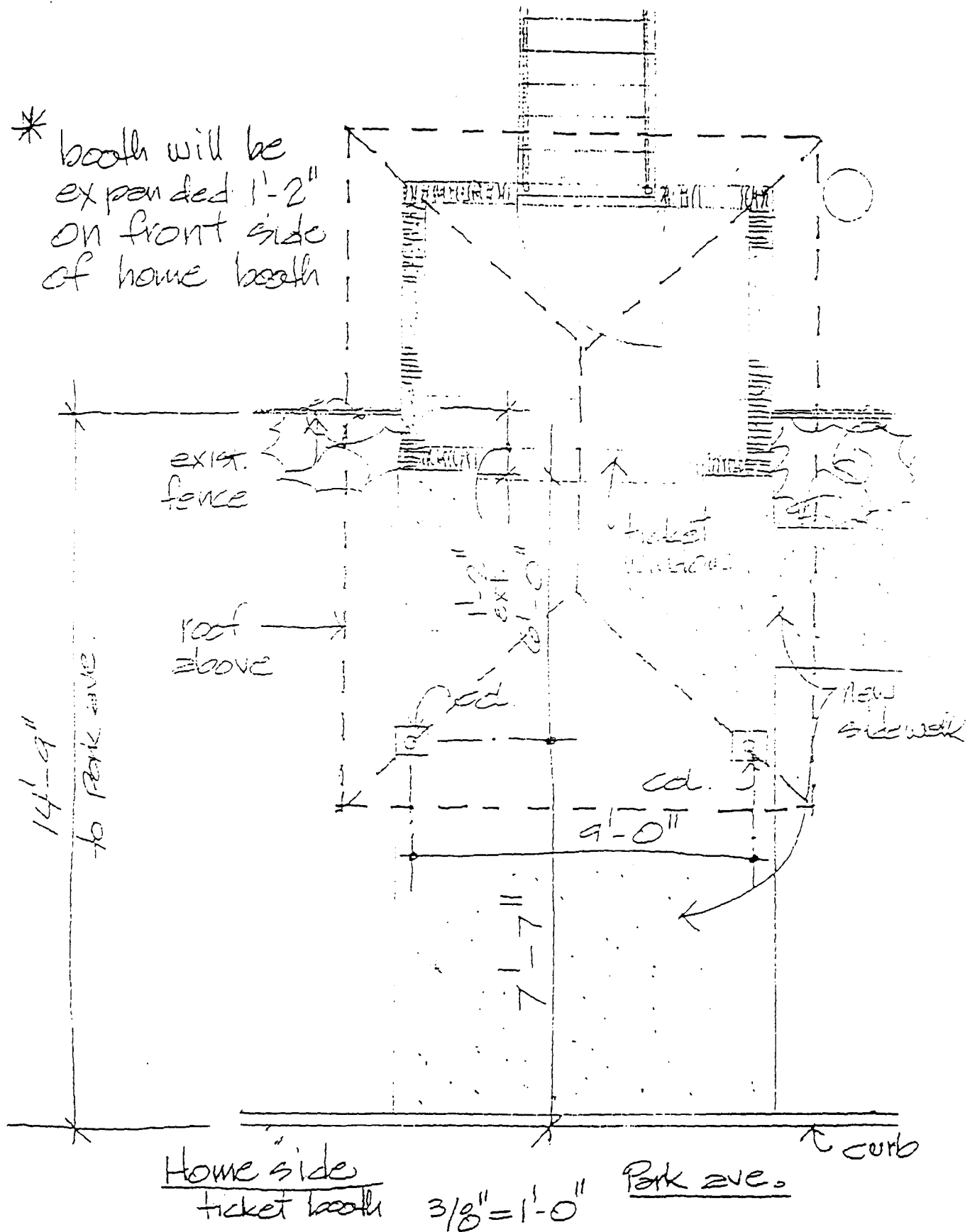
We plan to purchase the half of the alley to use as a driveway for our property. We are willing to pay a reasonable price for the half of the alley. We are interested in purchasing half of the alley to keep it open and use it as a driveway for our property. We are willing to pay a reasonable price for the half of the alley.

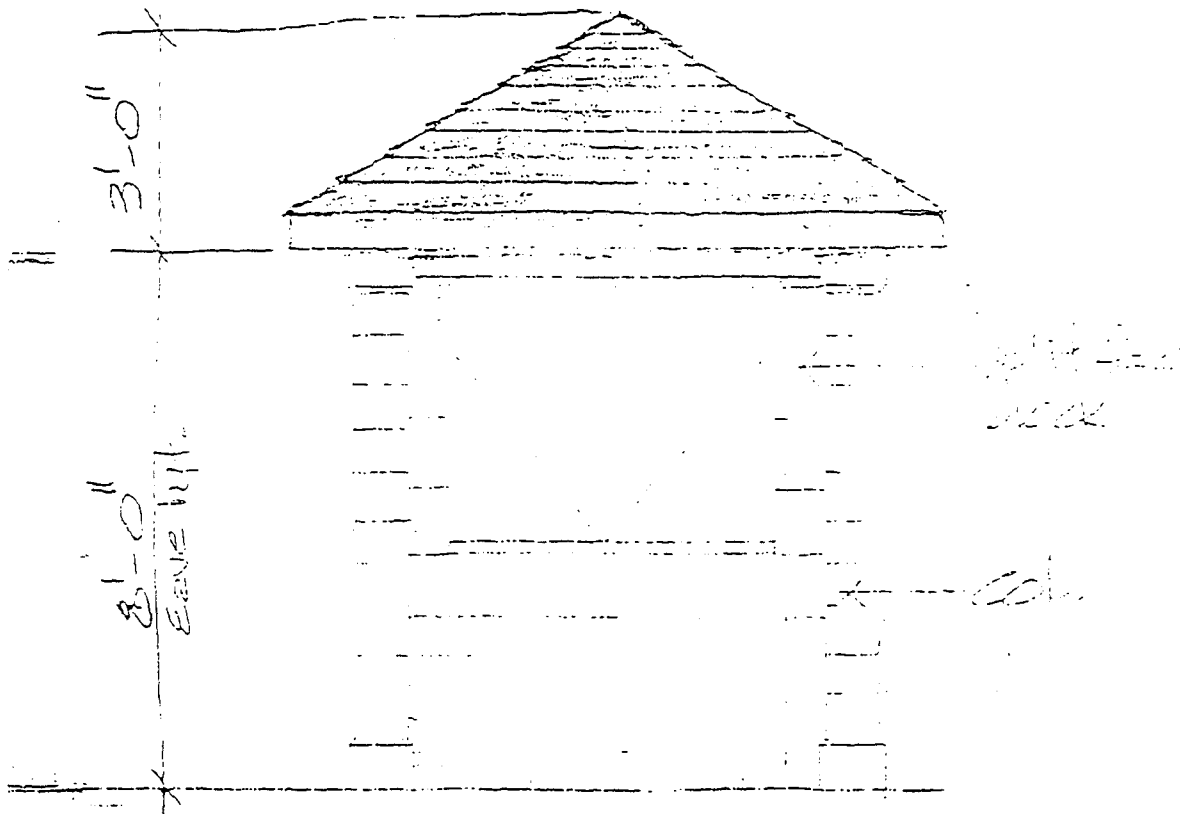
Thank you,

Jud, Mary Newman
136 Main Avenue
Natick, MA 01903
755-8906
755-7962



* booth will be expanded 1'-2" on front side of home booth





ELEVATION
ELEVATION

PETITION TO CLOSE A PUBLIC STREET

418 S 1st
Frederick Ave

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 10- (June 25, 2001).

APPLICANT: LARRY DUNSON DATE: 8/30/04
ADDRESS: 119 WATERSIDE Circle Winfield WV

Please state the reason(s) the property is needed. For example, for purpose of construction, improvements, or other necessity.

Additional Parking and Storage For Automobiles

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.

Some of Property is being used April 1/4. The
rest Needs to have several Tons of Gravel
and or Fill before use

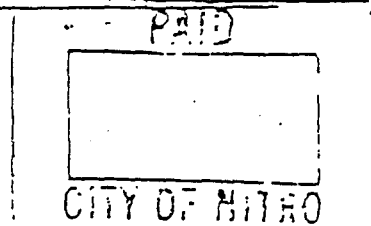
Please state whether the subject street, alley, lane, road or other public right-of-way is a part of the current traffic pattern.

No This Alley has Never been used or Open 3/4 of This Area is
VERY LOW and muddy most of the time

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 ESTATE OF JO Landre - Heir Address Diane Landre Hill
William Green and Ass. 420 First Ave
416 First Ave Nitro Nitro WV

CENTRAL Rail Road
Do not know Address



5. List all persons owning property within the same block as the abutting property and their addresses.

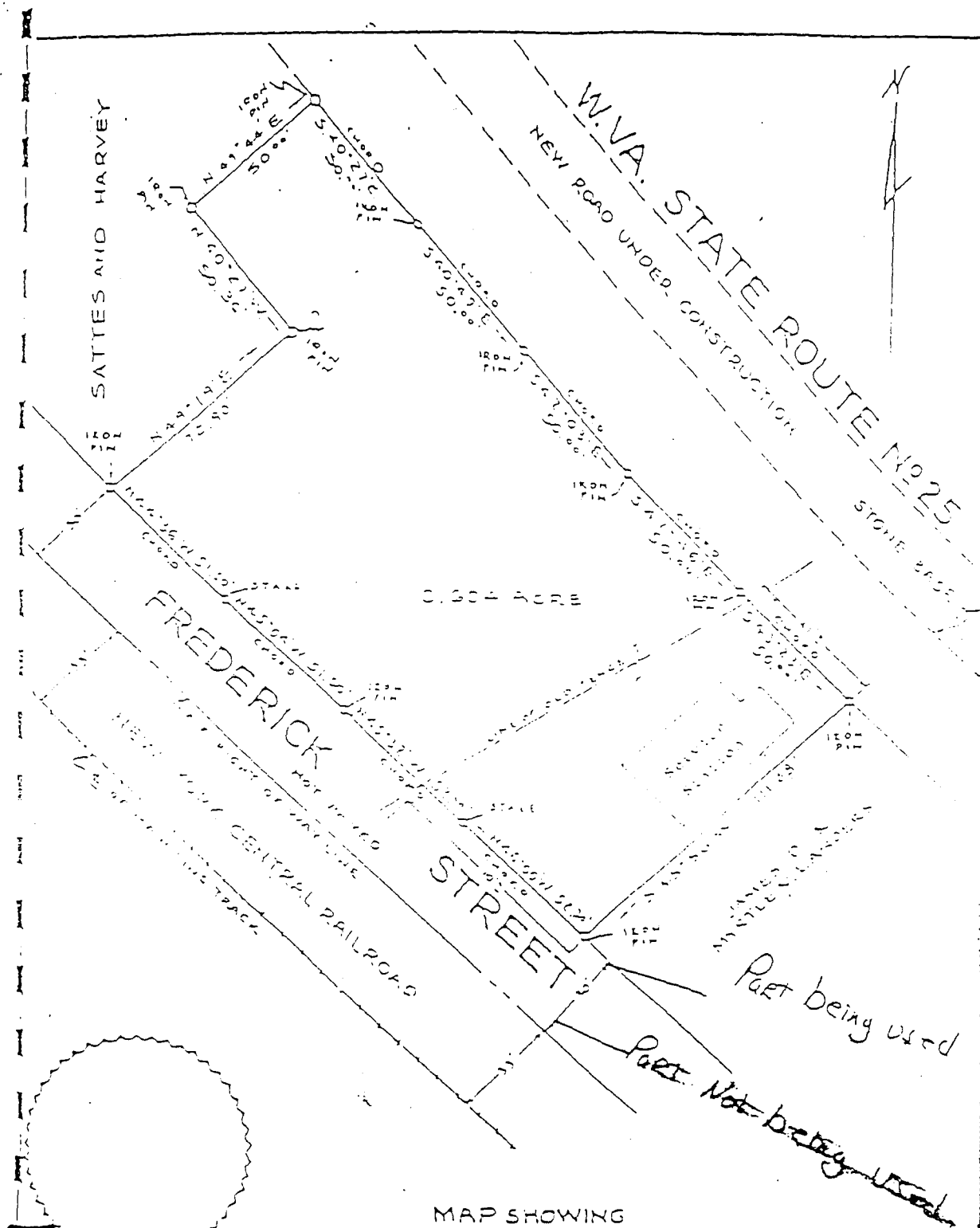
Name

Address

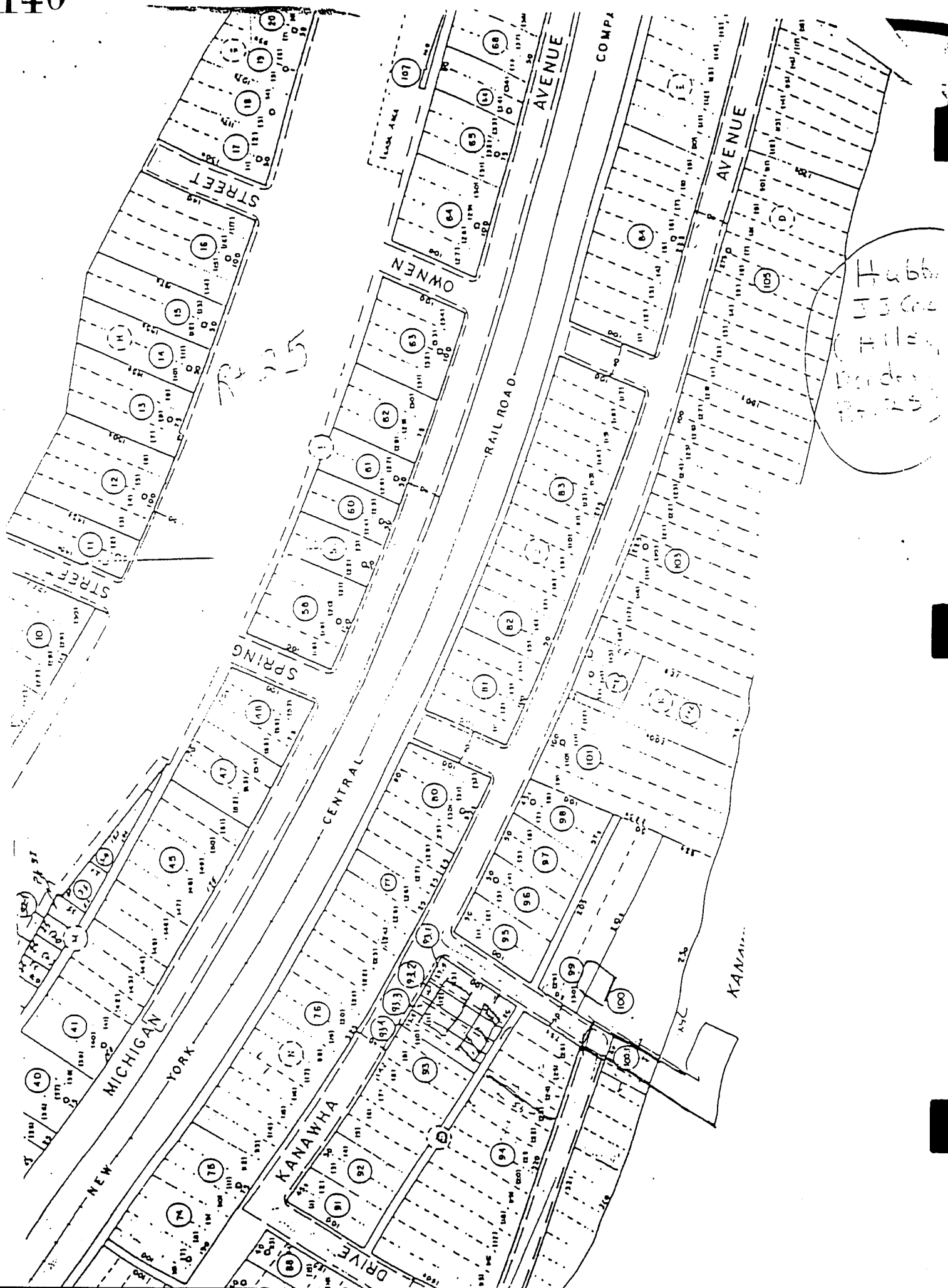
MRS Andrew T Summres 324 McKinley Ave Chas WV

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.

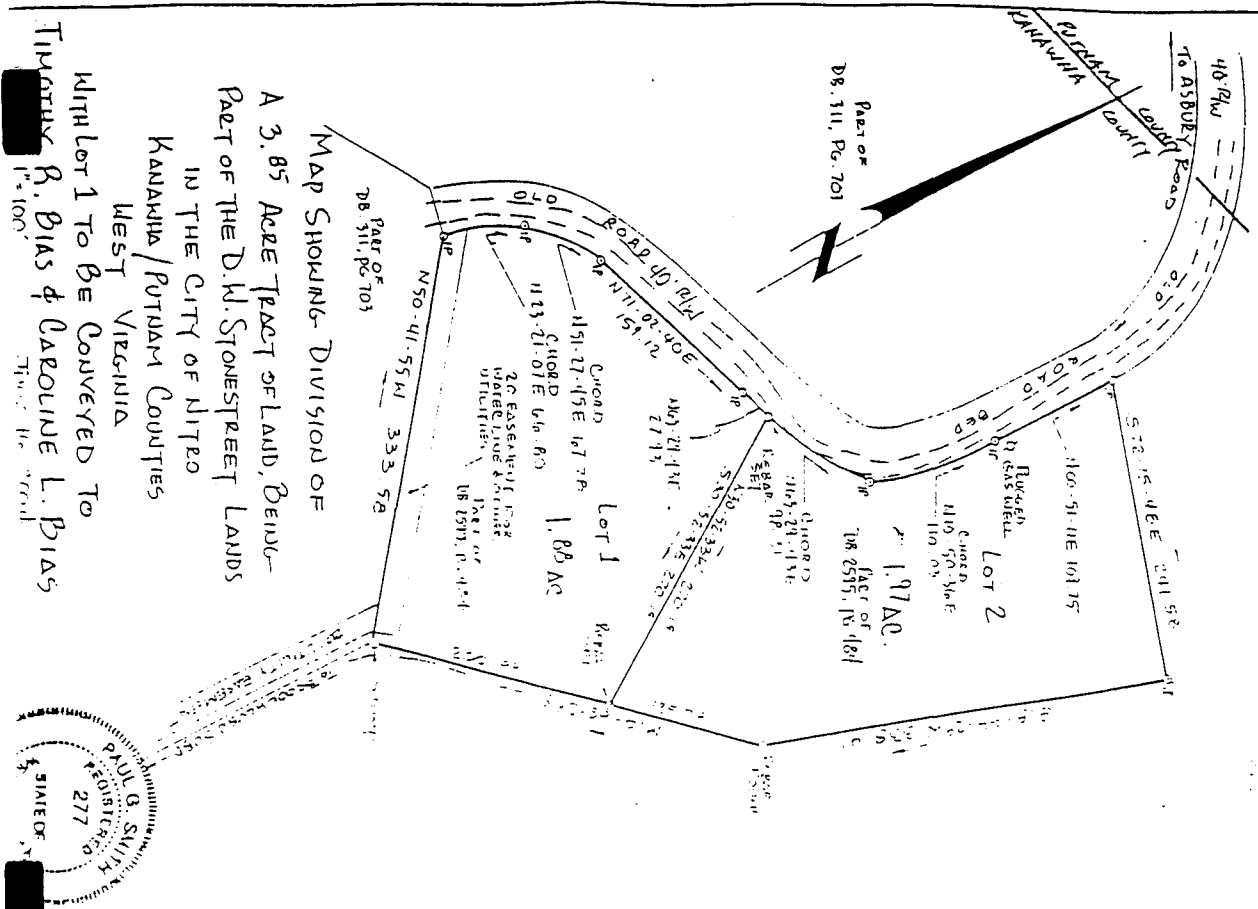
If you have any questions in filling out this form, please call the City Building Inspector's office at 755-0700.



MAP SHOWING
 A PARCEL OF LAND
 AT SATTES IN UNION DIST, KANAWHA COUNTY, W.VA.
 PROPOSED TO BE CONVEYED BY
 F. H. SATTES ESTATE ET AL
 - TO -
 ESSO STANDARD OIL COMPANY
 SCALE: 1" = 40' OCT. 14, 1955
 FIELD ENGINEERING CO.
 CHARLESTON, W.VA.



NOTES: 1. See Putnam County/County of Nitro the Map of
2. This property is in FPOB, Page 1, AREA OF HUNTER, FARMER, AND
FIGHT. COMMUNITY MAP, No. 54044-015.3
3. ALL LOT CORNERS ARE "X" 30" IRON PILES. SEE 2015-05-05
NOTED OTHERWISE.
4. See Map in DEED Book 1915, Page 102



MAP SHOWING DIVISION OF
A 3.85 ACRE TRACT OF LAND, BEING
PART OF THE D.W. STONESTREET LANDS
IN THE CITY OF NITRO
KANAHA/PUTNAM COUNTIES
WEST VIRGINIA
WITH LOT 1 TO BE CONVEYED TO
TIMOTHY R. BIAS & CAROLINE L. BIAS

PAUL G. SMITH
REGISTERED
277
STATE OF WEST VIRGINIA

Bias

• ITEMS WE FEEL NEED ADDRESSED

• June 07, 2004

- 1- • Re-zoning. Ownership housing, ie townhouses, may not be converted to rental.
- 2- • Easement. Two story buildings should be at least 7 feet from the property line, due to the danger of fire. Charleston law.
- 3- • Allow more multi-family housing within city limits. Dinebar law.
- 4- • Re-zoning. Notify adjoining properties by mail, and post the property in addition to the newspaper notification. Charleston law.
- 5- • Building Permit. All government agencies involved in the development of property (i.e. ANR, Public Health, etc.) must have permits or approvals. Charleston law.

CITY OF NITRO
COUNCIL MEETING MINUTES
AUGUST 2, 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, and Tim Harrison. Also present was City Attorney Troy Giatras. Absent were City Treasurer Ralph Allison and Councilman Mark Goodall.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

CITY RECORDER JOAN MCCLANAHAN LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 07-19-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE JULY 19, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: No one to introduce.

AGENDA ITEM NO. 3 – CITIZEN OF THE MONTH: Mayor Rusty Casto presented Denny Dawson with the July Citizen of the Month Award. Mr. Dawson was recently selected to lead the KRT after 28 years of service. He was presented a plaque and two dinners to Diehl's Restaurant followed by a warm round of applause.

Mayor Casto reported that Joyce Workman will be presented with the August Citizen of the Month Award. Ms. Workman retired as cook at Nitro Elementary School after nearly thirty years of service.

AGENDA ITEM NO. 4 – JIM HAAS: Mr. Haas was not present. Mayor Casto yielded the floor to Chuck Wilson of Kanawha County Schools. Mr. Wilson is with the Facilities Department of Kanawha County Schools. They have recently become aware of the findings of high levels of Dioxin in Nitro Elementary and Nitro High School and have been working with the Law Office of Stuart Calwell. They have a meeting Thursday at 11:00 with the DEP and the Health Department to discuss citizens' rights. Councilman at Large Bill Clark questioned how high the levels were at Nitro High School. Mr. Wilson stated that the levels are two to three times or more the recommended levels. City Recorder Joan McClanahan asked Mr. Wilson if they could expect to have an answer concerning the situation in time to avoid delaying the start of the school year. Mr. Wilson stated that he hoped so. Councilwoman at Large Brenda Tyler questioned if this was the first time the schools have been tested for Dioxin. Mr. Wilson said it was to his knowledge. Dave Carriger of Stuart Calwell's Law Office reported on their findings concerning the Dioxin levels.

AGENDA ITEM NO. 5 – SECOND READING ORD. – HOUSING CONSORTIUM: COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION FOR THE SECOND READING BY TITLE ONLY OF THE HOUSING CONSORTIUM ORDINANCE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. City Attorney Troy Giatras read the Ordinance by title only: HOUSING CONSORTIUM COOPERATION BY AND BETWEEN THE CITY OF CHARLESTON, THE TOWN OF BELLE, THE TOWN OF CLENDENIN, THE TOWN OF EAST BANK, THE TOWN OF MARMET, THE CITY OF NITRO, THE TOWN OF PRATT, THE CITY OF SAINT ALBANS, THE CITY OF SOUTH CHARLESTON, THE TOWN OF CEDAR GROVE AND KANAWHA COUNTY.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ACCEPT THE ORDINANCE, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA. Discussion followed. A VOTE WAS TAKEN AND THE MOTION PASSED.

ORD. 05-07. Copy attached.

AGENDA ITEM NO. 6 – TROY GIATRAS: City Attorney Troy Giatras read by title only the Ordinance for the alley abandonment request by Linda Canterbury. ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, KNOWN AS A PORTION OF A 10' ALLEY CONTAINING 750 SQUARE FEET, OF EAST CRAWFORD ADDITION OF THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH 10' ALLEY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1", AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ACCEPT THE ORDINANCE CONCERNING THE CANTERBURY ALLEY ABANDONMENT ON SECOND READING, SECONDED BY COUNCILMAN TIM HARRISON AND WAS CARRIED.

ORD. 05-08. Copy attached.

City Attorney Troy Giatras reported that he received a letter from Kanawha County Commission President W. Kent Carper concerning a Public Nuisance Ordinance passed in the County of Kanawha. Mr. Giatras will provide copies of the letter at the next Council Meeting for Council's analysis. Councilman Bill Racer questioned the standing of the lawsuit against Statewide Development. Attorney Giatras stated that they have received a report from S&S Engineering and are waiting for additional comments from them. Councilman A.A. "Joe" Savilla asked for an update on the Carriage Way proposal and the streets. Attorney Giatras stated that he did not bring that information with him.

Councilman at Large Bill Clark asked if they received any information on the gas line easements. Attorney Giatras reported that he did not think the Gas Company will negotiate with the City, but he will look over it again.

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

AGENDA ITEM NO. 8 – MAYOR'S COMMENTS: Mayor Casto yielded the floor to Keith Stathers. Mr. Stathers stated that he wanted to clarify the situation at the pool that Councilwoman Brenda Tyler brought up at the last Council Meeting. Mr. Stathers stated that he was at the pool with his son and when he was leaving he asked if there was a fireman working. He was told by a lifeguard that Casey Mathes was working. Mr. Stathers stated that he did not want to speak with him (Mr. Mathes) and proceeded to his car with his son. At this point Casey Mathes followed Mr. Stathers to his car and repeatedly asked him if he wanted to step back inside and talk about it. Mr. Stathers told him he just wanted to know if a fireman was there. Mr. Stathers also stated that Mayor Casto had driven up and saw the incident between Casey Mathes and Mr. Stathers at his (Mr. Stather's) car. Mr. Stathers further stated that the last Council Meeting was an embarrassment to every citizen. He said there has been no professionalism and he wanted to know if there were any repercussions for that. Mayor Casto replied not to his knowledge, but the citizens would have the final repercussion at the voting booth in three years.

Mayor Casto yielded the floor to Karen Fritz. Ms. Fritz reported that the first Nitro Resident's Meeting will be held at LKM Auditorium on Tuesday, August 9, 2005 at 6:00 pm. She stated that everyone is invited and encouraged Council Members to attend.

Mayor Casto asked Tiffany Terry of WV Wants to Know if she would like to address Council. Ms. Terry stated that she had requested in writing at City Hall and was told by the Mayor at that time that she would not be allowed to speak so she did not bring any information with her. She stated that at the last Council Meeting a vote was taken to ban her from speaking at the meetings. She requested that Council take another vote to resend that. Mayor Casto stated that they will have Public Comment Session and she will be allowed to speak then. Ms. Terry again asked that Council consider resending the vote that was taken at the last Council Meeting. She stated that if the Mayor is saying she is eligible to speak during Public Comment she will have her information at the next Council Meeting. The Mayor said ok.

Councilman Bill Racer stated they have scheduled a tentative meeting of the Cell Phone Committee on August 9, 2005 at 7:30 pm. Councilwoman at Large Gertie Estep asked if they could postpone this meeting since the Nitro Resident's Meeting is also scheduled for Tuesday night. Councilman Tim Harrison said they couldn't because that's City business and they're running out of time for the contract. Ms. Estep asked when the contract runs out. Mr. Harrison stated it runs out August 31st and they have a lot of work to do between now and he can't hold the committee up. Ms. Estep responded that he cancelled it three times; one more time wouldn't make that much difference. Mr. Harrison stated that was a different reason; there were deaths in two families, there was

illness in another and that is one thing that we look at with a different eye than we do canceling something just because. Ms. Estep asked who were the deaths in the families. Mr. Harrison responded it doesn't matter; we're not going to get into that right now because we show the same consideration to each member on this Council who's had a death in the family. Ms. Estep responded she wants him to because you definitely should. Mr. Harrison said he was sorry, he's the Chairman and he refuses because there is City business to conduct. Councilman Bill Racer asked what time the other meeting starts Ms. Estep said 6:00. Mr. Racer said they won't be meeting till 7:30.

Councilman at Large Bill Clark stated that he did not think the outcome would be any different if a vote was taken concerning WV Wants to Know speaking at Council Meetings. Mayor Casto said they will be able to speak during Public Comment.

City Recorder Joan McClanahan stated that residents at Bailes Drive have expressed concern about whether or not the fire hydrant at the end of the street is operational. Casey Mathes of the Fire Department suggested that the Water Company be contacted to do an analysis on the fire hydrant. Ms. McClanahan also asked the Mayor to contact A.J. Hill, Director of Public Works concerning the weeds and high grass along Bailes Drive.

City Recorder Joan McClanahan yielded the floor to Karen Fritz. Ms. Fritz stated that when she asked the Mayor he told her she could not be placed on the agenda, but if there was time she could speak at the end of the meeting. She asked the Mayor what the difference is between her being placed on the agenda or being allowed to speak during the Public Comment. Mayor Casto stated it gives everybody a chance to speak. Ms. Fritz said so she didn't need to contact him ahead of time, just come to the meeting. Mayor Casto replied that is correct, at the end of the meeting she will be given five minutes unless Council determines she should be given a longer period of time. Ms. Fritz asked if that would be maintained for Tiffany Terry (of WV Wants to Know). Mayor Casto replied yes. Ms. Fritz said she doesn't have to contact you ahead of time. Mayor Casto said no. Ms. Fritz asked if that is policy. Mayor Casto replied five minutes; that was the policy they agreed to in a previous meeting. Ms. Fritz said she did not remember that policy from a prior meeting. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ADOPT A POLICY TO GIVE THE PUBLIC A PERIOD OF NO MORE THAN FIVE MINUTES, UNLESS SOMEONE ELSE WANTS TO YIELD EXTRA TIME, COUNCILMAN A.A. "JOE" SAVILLA SECONDED. Councilman Clark stated any more than five minutes they need to be on the agenda. Councilman Tim Harrison suggested they have a sign-in sheet like other cities have. A vote was taken, THE MOTION PASSED.

Councilman Tim Harrison stated that what happened (concerning the prior cancellations of the Cell Phone Committee meetings) was that he called Mr. Goodall and he had a death in the family the day after that. Councilwoman Estep said he didn't have a death in the family. Mr. Harrison responded that was what Mr. Goodall told him. Ms. Estep said she called too. Councilman A.A. "Joe" Savilla said if you want to know it was

me. He said his aunt died on Monday and they had the burial on Tuesday. Ms. Estep said she was sorry to hear that.

There being no further business to discuss, COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO ADJOURN, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

HOUSING CONSORTIUM COOPERATION BY AND BETWEEN
THE CITY OF CHARLESTON, THE TOWN OF BELLE, THE TOWN
OF CLENDENIN, THE TOWN OF EAST BANK,
THE TOWN OF MARMET, THE CITY OF NITRO, THE TOWN OF PRATT, THE CITY OF
SAINT ALBANS, THE CITY OF SOUTH CHARLESTON, THE TOWN OF CEDAR GROVE
AND KANAWHA COUNTY

This **AGREEMENT** is made and entered into between the Town of Clendenin, the Town of Marmet, the City of Nitro, the Town of Pratt, the City of Saint Albans, the City of South Charleston, the Town of Cedar Grove (hereinafter the "Municipalities"), the City of Charleston and the Kanawha County Commission for and on behalf of Kanawha County, a political subdivision of the State of West Virginia (hereinafter referred to as ("County")).

WHEREAS, Title II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as ("HOME")); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, the Municipalities, the City of Charleston and County have determined that obtaining funding under the HOME Program as part of a Consortium Participating Jurisdiction will increase their ability to provide safe, decent and affordable housing for their low and moderate income constituencies.

NOW THEREFORE, the parties to the AGREEMENT do hereby agree as follows:

SECTION 1 B DEFINITIONS

The definitions contained in 24 CFR Part 92, Subpart A., paragraph 92.2 are incorporated herein by reference and made a part hereof, and the terms defined in this section have the meanings given them:

- A. "Act" means Title II, of the Cranston-Gonzalez National Affordable Housing Act (Pub.L.101-625), (42 U.S.C. 12701).
- B. "HOME Program" means a procedure established for the use of funds made available from HUD through the ACT to carry out multi-year housing strategies through acquisition, rehabilitation and new construction of housing tenant-based rental assistance.
- C. "HUD" means the United States Department of Housing and Urban Development.

- D. "Housing Strategy" means the Consolidated Plan as set out in 24 CFR Part 91 and encompasses a local government's housing needs, with a focus on affordable housing for low-income families.
- E. "Regulations" means 24 CFR Part 92 HOME Investment in Affordable Housing Implementing Regulations as issued by HUD.
- F. "Member" means a unit of local government which as a signatory to this Agreement and therefore a member of the consortium for the purpose of carrying out eligible activities under 24 CFR Part 92.
- G. "Representative Member" means the unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purpose of this agreement. The Representative Member will assume overall responsibility for ensuring that the consortium's HOME Program is carried out in compliance with the requirements of 24 CFR Part 92, 91 & 92.350(a) 5; and will assume responsibility for the requirements concerning the Consolidated Plan. City of Charleston is the Representative Member.

SECTION II B PURPOSE

This Agreement is to form a CONSORTIUM of eleven (11) units of general local government geographically located for designation as a PARTICIPATING JURISDICTION under the ACT, said PARTICIPATING JURISDICTION to be known and hereinafter may be referred to as CHARLESTON/KANAWHA HOUSING CONSORTIUM.

The signatory parties agree to cooperate in undertaking, or assist in undertaking housing assistance activities under the HOME Investment Partnership Program in compliance with HUD regulations and the local Housing Strategy.

SECTION III B ADMINISTRATION

- A. The Municipalities, the City of Charleston and the County mutually agree that the City of Charleston shall act as the Representative Member for all participants in the Charleston/Kanawha Housing Consortium for the purposes of the Act. Since the City of Charleston has the sole administrative authority, the City of Charleston agrees to indemnify and hold the County harmless of all liability for consortium activities.
- B. The Municipalities, the City of Charleston and the County mutually agree that the City of Charleston, in its role as Representative Member, shall assume overall responsibility for insuring that the Charleston/Kanawha Housing Consortium's HOME Program is carried out in compliance with the requirements of the HOME Program, including requirements concerning the Consolidated Plan in accordance with HUD regulations in 24 CFR Parts 92 and 91, respectively, and the requirements of 24 CFR 92.350(a)(5). It is further agreed that no member of the Charleston/Kanawha Housing Consortium will obstruct the implementation of the Consolidated Plan approved by the Consortium.

- C. The County and municipalities agree to fully participate with the City of Charleston in development and preparation of the Consolidated Plan.
- D. The City of Charleston assumes the entire cost of preparation of the Consolidated Plan.
- E. The Municipalities, the City of Charleston and the County shall participate jointly in the development of the Charleston/Kanawha Housing Consortium HOME Program. The Consortium will form a council known as the Housing Consortium Council. The Housing Consortium Council shall be consisted of two (2) members appointed by each the City of Charleston, the County and the Municipalities, for a total of six (6) appointees on the Council. The City of Charleston, the Municipalities and the County will mutually agree and appoint the Chairperson of the Council.
- F. The Council will define a strategy in sufficient detail to accommodate the collective and individual needs and priorities of any and all of the members constituting the Charleston/Kanawha Housing Consortium. The Council shall approve any Program changes or amendments prior to action being taken by the Representative Member's governing body.
- G. The City of Charleston, as the Representative Member, and the County shall each be entitled to 50% of the available Home Project funding. This percentage is based upon the total Home Program Funding, less 10% administration costs and less 15% Community Housing Development Organization set-aside. CHDO activities above and beyond the minimum 15% shall be divided equally between the City of Charleston and County.

For example:	\$935,000	Total Home Allocation
	- <u>93,500</u>	Less 10% Administration costs
	\$841,500	Total Project Fund Available
	- <u>126,225</u>	Less 15% CHDO set-aside
	\$715,275	Funds to be divided between the City of Charleston and the County, i.e., \$357,637.50 for each.

Members of the consortium may elect to combine their allocations to carry out collaborative HOME activities. Any funds allocated to Members but remaining unobligated 6 months after the initial allocation date will be recaptured and redistributed by the Housing Consortium Council. Uncommitted funds will be offered to the other members for reprogramming for eligible activities in accordance with the HOME Program regulations. The final decision for distribution of these funds will be made by the Housing Consortium Council.

- H. Nothing in this Agreement will preclude the ability of the Municipalities, the City of Charleston or the County individually or jointly in applying for financial assistance under the State of West Virginia HOME Program. Furthermore, it is expressly agreed and understood that any specific projects eligible for HOME funding may be submitted to the Housing Consortium Council by any Member, any municipality located in the County, any authority, and/or non-profit housing agency for funding under the Consortium's annual HOME

Entitlement Funds.

- I. Each Member is responsible for submitting in a timely manner to the Representative Member all information necessary for participation in the Charleston/Kanawha Housing Consortium as defined in the Regulations. This includes all information necessary for the Housing Strategy, the Program Description, Certifications, written agreements with subrecipients and performance reports.
- J. The City of Charleston will be responsible for any required matching funds for specific eligible projects as determined by HUD.
- K. The City of Charleston will be responsible for the administrative funds and allocate portions of these funds to eligible non-profits as determined by the Representative Member.
- L. Legal title to or ownership of all real and personal property, including, but not limited to, easements, acquired by virtue of the execution of or performance under this agreement is vested in City of Charleston.
- M. If any party terminates this agreement in whole or in part, all completed and incompleted portions of the project will become the property of the City of Charleston and disposition or completion of the incompleted portions of the project will become the responsibility of the City of Charleston.
- N. This agreement shall be in effect for a period of three (3) fiscal years subject to the renewal for any additional period of time needed to complete all phases of the project, each of which renewal periods shall be limited to three (3) fiscal years, provided that, in addition to the right on non-renewal, any party hereto shall have the right to terminate this agreement on any 12-month anniversary of the date of this agreement by giving to the other parties 30 days written notice of such termination. The members of the consortium provide that the consortium will automatically be renewed for participation in successive three-year qualification periods. The Consortium Agreement must, at a minimum, remain in effect until the HOME funds from each of the Federal fiscal years of the qualification period are expended for eligible activities. No Consortium member may withdraw from the agreement while the agreement remains in effect. The representative member will notify each member of the Consortium in writing of its right not to participate for the successive three-year qualification period. The Consortium will adopt any amendment to the agreement to incorporate changes necessary to meet the requirements set forth in a Consortia Qualification Notice applicable for a subsequent three-year consortia qualification period.
- 15. The City of Charleston will be responsible to amend the Consortium Agreement on behalf of the entire Consortium to add new members to the Consortium.
- P. Each Member shall:
 - (1) Provide information required for the preparation of the Consolidated Plan.

- (2) Assist with the preparation of all required plans and reports, as needed.
- (3) Obtain all local legislative and executive approvals.

Q. The Representative Member shall:

- (1) Provide staff to manage the preparation, public hearing, and submission of the Consolidated Plan.
- (2) Provide staff to manage the preparation and submission of the HOME Program Description and its administration.
- (3) Prepare and submit all required notices, plans and performance and other reports as required by HUD.
- (4) Ensure that all HUD requirements are met both in the overall administration and in project administration.
- (5) Prepare guideform contracts, agreements, etc., for use by the Members.
- (6) Review, approve, and execute Project Funding Agreements for each project.
- (7) Monitor Members to ensure that they are complying with program requirements.
- (8) Take full responsibility for all federal requirements for its projects including:
 - (a) documentation of project eligibility,
 - (b) completing environmental reviews,
 - (c) ensuring labor compliance,
 - (d) negotiating and executing any required written agreements with any subrecipient or contractor receiving HOME assistance.
 - (e) ensuring post-completion compliance (e.g., housing affordability),
 - (f) and any other administrative requirements mandated by law or regulation.
- (9) Establish, account for, and maintain local HOME Investment Trust Fund account (including federal drawdowns and program income, contributions, etc.).
- (10) Process drawdowns from the Treasury Account (funds received within 48 to 72 hours).
- (11) Process payment requisitions approved by Member and disburse funds from the Local Account to the member and/or to their designated contractors.
- (12) Accept and account for contributions and payments and other program income to the local trust fund account.

- (13) Service HOME loans.
- (14) Supervise closeout of each annual grant.
- (15) Take responsibility for all aspects of project planning, design, construction, and program implementation.
- (16) Draft project funding agreement for each project and execute following approval.
- (17) All required project documentation must be maintained by the Member and available for review by HUD and/or the Representative Member.
- (18) Prepare a Project Start-Up Report, when a project has cleared required reviews and the project is ready for commitment, and forward report to Representative Member for processing.
- (19) Establish and maintain project budgets.
- (20) Process requisitions and forwards them to Representative Member.
- (21) Receive payment from Representative Member and pay subrecipients or contractors or authorize direct payment to contractors.

R. The Housing Consortium Council shall

- 1. Define a strategy based on the needs of the Members.
- 2. Establish priorities for the use of the HOME funds.
- 3. Reallocate funds that remain in the HOME grant that have not been obligated after 6 months of the initial allocation date.
- 4. The Council will advise on the eligibility and feasibility of specific projects and ensure that any required matching funds for specific projects are provided.
- 5. Ensure that the program year start date for the consortium is on the same program year as the Community Development Block Grant (CDBG), which is July 1, thus ensuring there are no conflicting funding cycles.

SECTION IV B AFFIRMATIVE MARKETING POLICIES AND PROCEDURES

Statement of Policy:

In accordance with the Charleston/Kanawha Housing Consortium, commitment of non-discrimination and equal opportunity in housing, The Charleston/Kanawha Housing Consortium has

established procedures to affirmatively market units rehabilitated for assigned under the HOME Investment Partnerships Program. These procedures are intended to further the objectives of Title VIII of the civil Rights Act of 1988 and Executive Order 11063.

The Charleston/Kanawha Housing Consortium believes that individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, religion, sex, familiar status, handicap or national origin. Individuals eligible for public housing assistance or who have minor children should have available a like range of housing choices.

The Charleston/Kanawha Housing Consortium will carry out this policy through affirmative marketing procedures designed for the HOME Investment Partnerships Program.

Responsibility for Informing the Public Potential Tenants and Owners about Federal Fair Housing Laws and Affirmative Marketing Policies:

The Charleston/Kanawha Housing will inform the Public, Potential Tenants and Owners about its fair housing and affirmative marketing policy in the following manner:

1. Information regarding the policy will be included in all materials prepared by the Charleston/Kanawha Housing Consortium for program marketing, including press releases, advertising, program brochures, and application packages. The Equal Housing Opportunity logotype and slogan will be used in all printed information.
2. The Charleston/Kanawha Housing Consortium will sponsor an "Owner's Workshop to discuss procedures and program requirements, including the affirmative marketing policy. Participating Owners shall be advised orally and in writing of this policy.
3. Provide information sheets to tenants of buildings to be rehabilitated through the HOME Program, including information on this policy and their rights under the Fair Housing Laws.
4. The Owners shall comply with the requirements of Title VI and title VIII of the civil Rights Acts of 1964 and 1968, respectively, which provide that (1) no person is to be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving financial assistance hereunder, and (2) no person shall discriminate in the sale or rental of housing, the financing of housing, or the provision of services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, handicap, or national origin.
5. The Owner shall not discriminate against any person because of their eligibility for housing assistance or because of the fact that they have minor children in the household.
6. The Owner shall maintain and provide to the Charleston/Kanawha Housing

Consortium information on the racial, ethnic and gender characteristics of:

- a. Tenants occupying units before rehabilitation:
 - b. Tenants moving from and, initially after rehabilitation, to completed units; and
 - c. Applicants for tenancy within 90 days following completion of rehabilitation. Owner may, at his sole discretion, maintain this information on applicants following this initial 90 day period to demonstrate compliance with this policy.
7. The Owner shall maintain appropriate records to document his good faith effort to affirmatively market units as required by this policy, including, but not limited to, copies of advertisements, special notices, etc.

ASSESSMENT AND CORRECTIVE ACTION:

The effectiveness of the affirmative marketing will be assessed as follows:

1. The Charleston/Kanawha Housing Consortium will review information required to be maintained by the Owner in Part 6 and 7 above. IF the required steps were taken, the Charleston/Kanawha Housing Consortium will determine that good faith efforts have been made.
2. Where there is evidence that the Owner has failed to take appropriate actions as called for above, including receipt of complaints by prospective tenants regarding discriminatory actions by the Owner, the Charleston/Kanawha Housing Consortium will proceed to contact the Owner to investigate the nature of the complaint, actions taken by the Owner, and corrective actions to be taken by the Owner in marketing the next available unit. The consortium reserves the right to require additional affirmative marketing procedures from those described above if determined necessary to achieve a good faith effort by Owner.
3. The Charleston/Kanawha Housing Consortium shall at least annually examine whether or not persons from a variety of racial and ethnic groups in the market area applied for or became tenants of units that were affirmatively marketed. If such groups are not represented at least proportionally to their presence in the market area, the Charleston/Kanawha Housing Consortium will review this policy to determine what changes, if any, will make the policy more effective in reaching these groups.

SECTION V B TERMS OF THE AGREEMENT

- A. This agreement shall remain in full force and effect from the date of execution and approval by HUD for the period necessary to carry out all activities that will be funded from the three federal fiscal years: 2006, 2007 and 2008, provided that the

Charleston/Kanawha Housing Consortium qualifies as a participating jurisdiction under the HOME Investment Partnerships Program. The program start date for the Consortium and all units of local government that are members of the Consortium shall coincide with the same program year for the Community Development Block Grant, HOME, Emergency Shelter Grant and the HOPWA programs. It is the County's intention to remain a member of the Charleston/Kanawha Housing Consortium for the three year period by approval of annual renewals of this agreement, and, subject to said renewals, will take the necessary steps to provide budget allocations for funding purposes.

ORDINANCE NO. 05-08

ORDINANCE TO ABANDON AND DISCONTINUE AS A PUBLIC STREET, KNOWN AS A PORTION OF A 10' ALLEY CONTAINING 750 SQUARE FEET, OF EAST CRAWFORD ADDITION OF THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, WHICH 10' ALLEY IS DEPICTED ON THAT CERTAIN PLAT ATTACHED HERETO AND MARKED AS "EXHIBIT 1". AND RESERVING SEWER EASEMENTS FOR THE CITY OF NITRO, WEST VIRGINIA.

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

WHEREAS, a 10' alley containing 750 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia, is shown on a certain plat of the City of Nitro, however, the said 10' alley has never been opened to public use as a thru alley way; and

WHEREAS, abutting property owner to the said 10' alley has requested that portion of the said 10' alley which abuts his property be abandoned; and

WHEREAS, on May 12, 2005, the Planning Commission for the City of Nitro approved the petitioner's request to abandon said 10' alley; and

WHEREAS, on August 2, 2005, at a regular called City Council meeting, the City of Nitro, by its council, moved to abandon the said 10' alley and close that 10' alley to public use and convey the said 10' alley to the abutting property owner; and

WHEREAS, a public hearing was held on May 12, 2005, for the purpose of discussing the abandonment of the said 10' alley at which public hearing no one objected; and

NOW THEREFORE, be it ORDERED by Council of the City of Nitro, West Virginia, that the said 10' alley, containing 750 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia, more particularly bound and described and as shown on Exhibit "A" attached hereto, is hereby closed, abandoned and discontinued.

The City of Nitro hereby reserves a sewer easement for the full length and width of the above described alley for the purpose of constructions, maintenance, repairs and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor later the present surface profile or contour of subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Nitro and the Building Inspector of the City of Nitro.

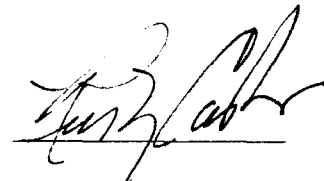
The Purchaser takes possession of the land subject to any pre-existing easements and or/covenants as may be reflected in the chain of title.

The City of Nitro does not, in any way, warrant the title of the subject property conveyed.

The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge and deliver proper deed conveying all right, title and interest in and to said 10' alley to said abutting property owner, on condition that the City of Nitro, West Virginia, have adequate right-of-way easements for sanitary, sewer and all other utilities crossing said real estate as described on "EXHIBIT 1" attached hereto, and upon payment by the petitioner of any legal fees due and owing to the City of Nitro for said abandonment.

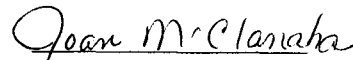
All ordinances, or part of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Passed on first reading: JUNE 21, 2005



Mayor, City of Nitro

Passed on second reading: AUGUST 2, 2005


Recorder, City of Nitro

CITY OF NITRO
COUNCIL MEETING MINUTES
AUGUST 16, 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 City Attorney Troy Giatras. Absent was City Treasurer Ralph Allison.

Councilwoman at Large Brenda Tyler reported on the status of Janice Lane, a resident of Brookhaven, who was injured in an accident involving a Police Officer in front of the Police Department this afternoon.

COUNCILWOMAN AT LARGE BRENDA TYLER GAVE THE INVOCATION.

COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 1 – APPROVAL OF 08-02-05 COUNCIL MEETING MINUTES: COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE AUGUST 2, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED WITH COUNCILMAN MARK GOODALL ABSTAINING.

AGENDA ITEM NO. 2 – MAYOR'S INTRODUCTIONS: No one to introduce.

AGENDA ITEM NO. 3 – CELL PHONE COMMITTEE REPORT: Mayor Rusty Casto yielded the floor to Councilman Tim Harrison. Councilman Harrison presented a recommendation to Council on behalf of the Cell Phone Committee. Mr. Racer reported that Nextel offers a multi-state agreement that would pool the minutes, the minutes can be easily tracked, and the City would receive an 18% discount. The Police Chief and each police officer will have a cell phone for a total of 17 phones. The Fire Chief and each fireman will have a cell phone for a total of 11 phones. Other City employees to have cell phones under the proposed plan will be the Director of Public Works, the Code Enforcement Official, and the Mayor. Mayor Casto opened the floor for discussion. Councilwoman at Large Gertie Estep stated that she would like to have another meeting to talk with the gentleman (from Nextel) again so that she can ask him more questions. She also said she did not think there should be 17 cell phones for the Police Department and 11 phones for the Fire Department. Ms. Estep said the Fire Department is at the station with the phones all the time and they don't need them. It is also her understanding the Repeaters with St. Albans and Nitro have it worked out now so they don't need all the phones. Captain Ronnie King stated that there are areas in town that the Fire Department cannot get the Repeaters with their portable radios. The radios in the vehicles get those most of the time, but not all of the time. He said the cell phones work just about all over the State. Councilwoman Estep stated that cell phones don't work in the Community

Center. The policemen have to go outside to call. Councilman Bill Racer asked Captain King if the Fire Department needs phones once they get out on a call since they have radios on the trucks. Captain King stated that they had an incident about a month ago in which there was a spill at the river. During an hour's time he spoke with Metro, a Supervisor at Carbide, the St. Albans Fire Department, the Coast Guard, the EPA, and the DNR all from a cell phone. Councilwoman Brenda Tyler said she thinks cell phones are a necessary safety devise for the Policemen and Firemen, especially with the dead spots they have with their radios. City Recorder Joan McClanahan stated that Captain King spoke with her at length concerning the Fire Department's need for cell phones and she agreed. She also applauded the Cell Phone Committee and said that based on their recommendations and the information from Captain King she is willing to support their proposal as a trial and they can tweak it later if they have to. Councilman Mark Goodall stated that they will reduce the number of cell phones from 49 to 31 and that is a good start. He said one of the biggest objectives was to save the City money so he wanted to know in advance what it would cost for the 31 phones (under the new plan). He wanted to know if they were going to be paying more than they are now, or are they going to save money. Councilman Tim Harrison said they will be saving more money because right now the City doesn't get the 18% discount. Councilman Goodall said he wanted to be sure that they would see real savings. He didn't want the City to end up with a plan that costs more even though there is an 18% discount. City Recorder Joan McClanahan asked if it is a year long contract or can they change if they need to before a year. Councilman Tim Harrison said the Nextel representative said they can (change before a year). Councilman Mark Goodall expressed concern that they would be remiss if they didn't give other cell phone companies an opportunity to quote a price. Councilwoman Brenda Tyler said it is a State Contract so it has already been put out to bid. Attorney Troy Giatras said they don't have to put it out to bid, but they could call around if they want to. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ACCEPT THE CELL PHONE COMMITTEE REPORT AND RECOMMENDATION, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA. Councilman Bill Racer questioned who was going to decide how much the City would pay a month (on the cell phones). Mayor Casto said the Treasurer, City Recorder, and himself would get together and make a decision. City Recorder Joan McClanahan said they would inform the Cell Phone Committee of their decision. Councilwoman at Large Brenda Tyler said she thought the Cell Phone Committee should see it through. They started it and they've done a good job and they should finish the deal. A VOTE WAS TAKEN AND THE MOTION CARRIED WITH COUNCILWOMAN AT LARGE GERTIE ESTEP OPPOSSING.

Copy attached.

AGENDA ITEM NO. 4 – KAREN FRITZ: Mayor Casto yielded the floor to Karen Fritz. Ms. Fritz reported they will have another informational meeting for the residents of Nitro on Monday September 12, 2005 at 6:00 pm at the LKM Auditorium and everyone is welcome. Ms. Fritz asked Council if any of them have looked at the cell phone bills. She stated that there are a lot of phone calls made by the Fire Department that are personal. She said this should be taken into consideration when they give cell

phones to fire fighters. Ms. Fritz stated that other cities only give cell phones to the Fire Chief and another lead person, but the actual fire fighters do not. City Recorder Joan McClanahan said that under the new Cell Phone Policy each person using a City cell phone is responsible for all personal calls.

Ms. Fritz stated that at their last public informational meeting Councilman at Large Bill Clark attended and answered several questions that were directed to him. She asked Mr. Clark if he had given the financial information requested by Mr. Raynes and Mr. Gillispie to them. Ms. Fritz said that Mr. Gillispie asked for information on expenditures for the last three years. Councilman Clark stated that Mr. Gillispie was present and asked him to refresh his memory. Mr. Gillispie said that he had asked Mr. Smith when he was his Ward Councilman for a copy of the financial report including the aggregate and never got it. Mr. Gillispie said he asked Tim (Councilman Harrison) and never got it including the aggregate. He told Tim he thought he knew what an aggregate means and that was not what Councilman Harrison gave him, it was not a financial report. Councilman Harrison told Mr. Gillispie that the information he was wanting must be very detailed aggregate information because there was aggregate information on the report he gave him. Mr. Gillispie replied that it was very, very limited. Mr. Gillispie said it is taxpayer's money so any citizen of Nitro should be able to ask their Councilman for it and get it. He said the report he was given is a glorified budget because that was about all that was on the financial report. Mr. Gillispie said Bill (Councilman Clark) promised to get him a new one. Councilman Harrison replied that Bill said he would handle it within a month. Councilman Clark asked if they had the report next door at City Hall. City Recorder Joan McClanahan said they had that information. Ms. Fritz said the information is there, but it is not in a form that can be given to someone computer generated. Ms. McClanahan said City Treasurer Ralph Allison would have to do that. Mr. Gillispie said he asked for two copies, one from the year that just finished and also for the previous year. He said that with computers you should be able to print out a report that shows what money came in and what money went out and where it went. Councilman Clark asked what computer that would be on. Tiffany Terry of WV Wants to Know said it should be on the ones that Mr. Allison has access to; payables and receivables. She stated that Mr. Allison is confused about the information that he can gain from the computers because he is under the impression that he cannot even determine who has and who hasn't paid B&O Tax and get an accurate accounting of that. Councilman Clark said perhaps we can get that information by the end of the week. Councilman A.A. "Joe" Savilla read the City Code that states that the City Recorder shall keep all City records and have them available for inspection during regular business hours. John Montgomery, a Nitro resident who is a lawyer was present. Mr. Montgomery said B&O Tax records are confidential and cannot be given out. City Recorder Joan McClanahan said that B&O Taxes and personnel records are confidential. Tiffany Terry stated that no one from City Hall has given out information on B&O Tax payments. Mayor Casto told Mr. Gillispie that the information he is wanting can probably be found on the State Auditor's website. Mr. Gillispie said he has never seen it published in the paper and he would like to see a copy of the City Code that Councilman Savilla referred to. He asked Attorney Giatras if it is his opinion that no citizen of Nitro can get any financial information concerning the way the taxes are spent without going

through a Freedom of Information Act request. Attorney Giatras would not issue an opinion. Mayor Casto told Mr. Gillispe that he would get his copy and yielded the floor back to Karen Fritz. Ms. Fritz questioned Councilman Clark concerning a gentleman (Mr. Raines) who had an accident and Councilman Clark was going to help him out. Councilman Clark stated that he gave the gentleman his card and asked him to contact him about it and he would get with the Chief over that issue. Ms. Fritz stated that at the informational meeting Councilman Clark stated that the Municipal Service Fee increase has been tabled. She said she went through the minutes and could not find anything stating that it had been tabled. Councilman Clark said he stood corrected. Ms. Fritz said they talked about Municipal Court quite a bit at the informational meeting. She said they have limited statistics, but will get more. According to her information the amount of traffic and criminal offenses that were once tried in Nitro has dropped considerably. In 2005 the City has seen a total of 69 traffic and criminal offenses in our court. In 2004 there were 1,500 traffic offenses and 351 criminal (here). In 2003 there were 1,364 traffic and 402 criminal offenses. She said the City is not seeing the cases they should see and from rough figures the City is losing over \$100,000.00 in fees that could be in Nitro and are now going to Kanawha and Putnam counties. Councilman Clark said those figures are not real because even though those fees are charged the City loses most of that money back to Kanawha County.

Ms. Fritz said that after the Cell Phone Committee meeting there was an Annexation Meeting. She questioned if it is appropriate to have a meeting that is not open to the public that is going to affect the public. Councilman A.A. "Joe" Savilla stated that the public was there, it wasn't a closed meeting, it was announced after the last Council Meeting. Ms. Fritz responded it wasn't announced. Councilman Savilla said it was announced at the last Council Meeting. Ms. Fritz said she was at the last meeting and it was not posted. Councilman Savilla said she missed it because they all heard it. City Recorder Joan McClanahan said she was at the Council Meeting and she did not hear it and it was not in the minutes. Councilman Bill Racer and Councilwoman at Large Gertie Estep said they did not hear it either. Councilman Tim Harrison said it was announced on the original date, but it had to be postponed due to a family death. Mr. Harrison stated it is a committee meeting, it is not open to the public, it is not subject to being posted. He said Mr. Savilla as chairman notified the committee members and that is all that is required by the governing body to be done. Karen Fritz questioned if that is in the City Code. Mr. Harrison replied it is. Ms. Fritz said she thinks an annexation is really important to the people of Nitro and it is unfortunate that not very many people heard there was a meeting.

Ms. Fritz ended by saying she is not here to chastise or get on anybody's case. She would just like to see Nitro run more effectively, professionally, and as a working team rather than people fighting and bickering. Councilman Clark asked Ms. Fritz to stand up and give her background, where she came from, how she got here and got so involved so quickly with this group. He asked her to tell about her relationship with WV Wants to Know, with Jerry Waters and the radio show she is on Tuesdays. Councilman Clark said that some of them tune in to a little bit of that radio show and hear the bashing about the town and he has mixed feelings if she is here to help or hinder. Ms. Fritz told a

little about herself and stated that she is concerned with all the gossip in such a small town. Councilman Clark stated that when Ms. Fritz bashes the Police and Fire Departments on the radio she is not very well received at the Council Meetings. Ms. Fritz replied that she would tell him exactly what she has said on the radio. She stated that she has spoken about Councilmen that are not current on their Municipal Fees; she has spoken about the way the Raines case was handled. She said the Mayor is a very nice person, but lacks leadership and there are four people (Council Members) who are very vocal and have shouted everybody else down. Ms. Fritz said she doesn't have any fear because there is nothing in her background. She said Nitro needs to be cleaned up; there are financial things that should be straightened out. There are checks written without the proper paperwork, the audits have not been good. Councilwoman at Large Brenda Tyler asked who writes checks. Ms. Fritz said the Mayor asks for checks and checks are being approved by people that should not approve them, Jack Jordan for example.

Councilwoman Tyler questioned that he approved checks. Ms. Fritz responded yes. She said he does not write the checks, but he approves purchases. Councilwoman Tyler said that as the Department Head he has the right to approve. Ms. Fritz said not for that, he did not get any approvals from anybody else; and it was approved and it went through. She said that is not the only one; there are a lot of things. Ms. Fritz said she would like to meet with every Councilperson one on one and also with the Police Chief. Councilman Bill Clark said he would like to see an invoice for all the paperwork the City has provided her. Ms. Fritz said it is not an invoice, when she pays cash a receipt is written to her. City Recorder Joan McClanahan stated that when Ms. Fritz pays for her copies she is written a receipt and it is rung on the register which is computerized and there is a backup trail. Mayor Casto said that the Cell Phone Committee started working together and hopefully Council will begin working together and it will be a big help if Ms. Fritz will get their investigation finished and bring the report back so they can examine it and get on. Ms. Fritz said they could if the records were made available in a timely manner, we could get in and get out. Mayor Casto asked what records they weren't getting timely. Tiffany Terry of WV Wants to Know said they were records from the Treasurer. She said she has sent the Mayor several letters regarding the original request they sent in to Mr. Allison. Two and a half to three months later they still have not received any of the receivable information they have asked for. Every time they ask Mr. Allison for something he can't get it or it's not available. She said that's not good enough, they would have been in and out of here two months ago if the Treasurer had adequate records. Councilwoman Gertie Estep asked why there hasn't been an audit in three years. Mayor Casto said the City has no control over that. The State Auditor's office schedules audits.

AGENDA ITEM NO. 5 – TROY GIATRAS: Attorney Giatras reported that he made a call concerning the pipeline issue that Councilman Clark talked about and they have a meeting scheduled for next week. He has also contacted the engineer concerning Councilman Racer's request regarding Statewide Development and they are trying to set up a meeting. Attorney Giatras also gave Council Members a copy of a Nuisance and Property Maintenance Ordinance for their review.

AGENDA ITEM NO. 6 – RALPH ALLISON: Not present.

AGENDA ITEM NO. 7 – MAYOR’S COMMENTS: Mayor Casto reported that Patty Stewart is in charge of the Valentine Fundraiser Race and that roughly \$1,000.00 was donated to the Twin City Food Pantry and to the Senior Citizens from that race. Ms. Stewart has requested to schedule the race again for next year. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION TO APPROVE THE VALENTINE RACE FOR FEBRUARY 11, 2006 AT 9:00 AM, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Mayor Casto stated that he is filling out a grant proposal to get new bathrooms at Ridenour Lake.

Councilwoman at Large Brenda Tyler reported that their first fundraiser with the Wal-Mart and Coca Cola organizations will be held this weekend. Saturday, August 20th the Police and Fire Departments have volunteered to do a Boot Drive at Wal-Mart. On Sunday August 21st at 9:00 am there will be a Car and Motorcycle Show and the City will run the concessions and receive all proceeds from them. Ms. Tyler asked for volunteers for Sunday.

Mayor Casto said he will inform Council at the next Council Meeting about the auction that was approved a few months ago. Alex Hill, Director of Public Works, has several pieces of equipment at the garage to be auctioned. Mayor Casto said they also have a fire truck that will bring several thousand dollars. They will determine at that meeting where the money will go.

Councilman Mark Goodall expressed thanks as a taxpayer to Karen Fritz and Tiffany Terry for all they are doing. He further stated that as a Councilman he didn’t care if their findings embarrass the City or embarrass this Council; if the City has issues they need to take care of them and solve their problems. He said if the City doesn’t have anything to hide, they should put it in your (Karen and Tiffany’s) face and show them they have nothing to hide. Mr. Goodall said that their (Karen and Tiffany’s) treatment at Council Meetings, in City Hall, and other places is inexcusable; it’s unprofessional and it raises red flags for him and makes him wonder.

Councilman Tim Harrison asked the Mayor if he knew who put the stop signs and stop bars up at the new theater in Cross Lanes. He said the stop bar is set back so far that you can’t see oncoming traffic. Mayor Casto said he would call the company tomorrow.

Councilman A.A. “Joe” Savilla stated that all Council Members received a copy of the letter from Katherine Reeves of Brookhaven concerning the professionalism of the Police, Fire, and EMT’s. COUNCILMAN A.A. “JOE” SAVILLA MADE A MOTION TO INCLUDE THE LETTER FROM KATHERINE REEVES AS PART OF THE MINUTES, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

Copy attached.

Councilman Savilla reported they are going to schedule another Annexation Committee Meeting. He is going to contact S&S Engineering. City Recorder Joan McClanahan suggested to avoid any problem that Councilman Savilla talk with City Treasurer Ralph Allison first to make sure there was money to pay an engineering firm.

Councilwoman at Large Gertie Estep thanked Karen Fritz for all the work she put into the informational meeting she had. Ms. Estep said many people called her and said they enjoyed it and would like to have more. Councilwoman Estep also thanked Tiffany Terry.

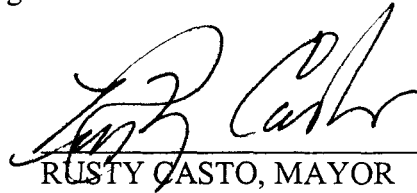
Councilwoman at Large Brenda Tyler said she received a phone call from a gentleman on 18th Street Hill who is concerned about getting an address because he had trouble when he made a 911 call. Ms. Tyler wanted to know if there was anything the City could do to remedy the situation for residents on 18th Street Hill. She also expressed concern over the condition of the road.

City Recorder Joan McClanahan said that she agreed with Councilman Goodall. The City should give WV Wants to Know and Karen Fritz the information they ask for and be done with it. Mayor Casto said Wanda Carney told him in person that there was nothing major in the books at all, just minor things. Tiffany Terry said there are questions on how money is being expended and there seems to be no checks and balances on anything. She said even to this day the Council has not received a monthly list of expenditures. Ms. Terry said there are serious issues as far as the audit findings, things that have not been addressed. They have been allowed to go audit, after audit, after audit. She said all it would take is the Mayor working with Council implementing the policies that need to be implemented and then the audit findings would go away. City Recorder Joan McClanahan questioned then what is the point if the audits have not given them penalties. No one has called saying that the City must comply. Ms. Terry said the expenditure of taxpayer money needs to be checked.

Councilman at Large Bill Clark asked where the list of salaries of the Department Heads and employees of the City of Nitro came from that he saw at the informational meeting. Ms. Terry stated that they requested the information from City Treasurer Ralph Allison and he directed Mary Beth at City Hall to print that off. Ms. Terry said she has never touched any computer in City Hall. Karen Fritz stated that there is always someone in the office with them and they ask for the information. Ms. Terry said she has never taken any information that she is not privy to. She has never asked for any information that is not public information and if she gets anything that she is not privy to she hands it back. Councilman at Large Bill Clark said he still has not gotten a clarification on the printout of the list of every piece of paper documenting what they have taken from City Hall. Ms. Terry replied that she received quite a bit of information from City Treasurer Ralph Allison when she first started complaining about his lack of response. He did not charge her for that. She stated that under the Freedom of Information Act he had five days by law to hand those records over. When he didn't she could have gone to Circuit Court which would have cost the City quite a bit of money. City Recorder Joan

McClanahan said that Councilman Clark can go to the Accounts Payable Office in City Hall anytime to see a copy of the paper receipts. Councilman Clark said he would like someone to make a copy of those receipts and put them in his mail box by Friday. He would like to know how many pieces of information they have received and if they have been properly charged for it.

Mayor Casto adjourned the meeting.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO CELL PHONE POLICY

Purpose: *To properly regulate and designate the use of cellular phones issued by the City of Nitro.*

- The cell phones that are assigned to individual employees are leased by the City of Nitro for the purpose of allowing them to make and receive business-related telephone calls when a land line is unavailable. Calls are to be kept brief and to the point. They are not intended to be used as a personal telephone, nor should the number for the cell phone be given to friends or family members so that they can conduct personal business with you.
- Routine personal calls will not be permitted. If there is a need for a personal call, the employee will be required to reimburse the City of Nitro for those calls. All reimbursements are to be made within fifteen (15) days of receipt and reconciliation of the monthly statement.
- Toll calls will not be permitted.
- An employee may not use a cell phone in an unsafe manner while operating a motor vehicle or other equipment.
- An employee may not operate a personal business from a City of Nitro cell phone.
- Each employee will be responsible for the proper care and maintenance of his/her cell phone, including battery maintenance, cleaning, and protection from the elements.
- Cell phones are never to be left unattended.
- The employee is responsible for the loss of any cell phone and must pay for the replacement of the cell phone, unless sufficient proof can be supplied that the phone was stolen or lost outside the control of the employee. Lost or stolen cell phones will be reported to the employee's supervisor immediately.
- Employees must complete a "Cell Phone Justification Form" and sign the City of Nitro Cell Phone Agreement form before obtaining a cell phone.
- Managers and supervisors are responsible for educating subordinates about appropriate cell phone procedures and monitoring their usage. In emergency situations, managers may grant exceptions to these usage policies. In such circumstances, any charges incurred for personal use must be reimbursed by the employee on a timely basis.
- Upon separation of employment, the employee will return the cell phone and be responsible for reimbursement of personal calls made per the above conditions.
- Failure to comply with the above may result in requiring the employee to surrender their City of Nitro cell phone.

DRAFT – City of Nitro Cell Phone Policy
DATE: 08-09-05

CITY OF NITRO CELL PHONE AGREEMENT

By signing below, I understand and agree to all the conditions of issuance of a City of Nitro cell phone.

1. I am responsible for all personal calls. I also understand I am personally responsible for all long distance and roaming charges that are applicable to all personal cell phone calls. I understand this cell phone is to be used for City of Nitro business only.
2. I understand and agree that I will not use a City of Nitro cell phone in an unsafe manner while operating a motor vehicle or other equipment.
3. I understand and agree that if I lose the cell phone, I am responsible for paying for its replacement, unless sufficient evidence can be supplied that the cell phone was stolen or lost outside of my control.
4. I will make reimbursement to the City of Nitro for all personal calls within fifteen (15) days of receipt of the itemized billing statement and reconciliation of the same. Said reimbursement will include charges for personal minutes used including long distance and roaming charges and applicable taxes.
5. Cell phone billings are subject to audits by the City as well as other entities. I also acknowledge that cell phone bills and other documents are public records.
6. I have been provided with copy of and read and understand the **City of Nitro Cell Phone Policy**. In the event I do not adhere to any part of this agreement, I may be subject to termination of access to a City of Nitro cell phone and/or other disciplinary action.

Agreed to this _____ day of _____, 20____ by:

Employee

For use by the Department of Records, City of Nitro

Cell Phone Issued: _____

Date: _____ By: _____

DRAFT – City of Nitro Cell Phone Policy
DATE: 08-09-05

CITY OF NITRO CELL PHONE JUSTIFICATION FORM

NAME:

JOB TITLE:

DEPARTMENT:

CELL # (IF EXISTING):

JUSTIFICATION: *(Please specify in detail why the above employee needs a cell phone, provide source of funding)*

Work Order number for acquisition & monthly billing purposes:

Signed by:

Cell Phone User

Date

Approved By:

Department Head

Date

Authorized By:

Mayor of Nitro

Date

August 9, 2005

Mayor Rusty Casto
Nitro City Hall
PO Box 308
Nitro, WV 25143

Dear Mayor Casto:

In the very early hours of July 4th I started having problems breathing. I wasn't too concerned at first, but then it got much worse. I just had to go a short distance between the bathroom and our bedroom and found that it was almost impossible for me to do. I made it to the bedroom and knew I couldn't do anything else. I told my husband that I thought I better go to the hospital.

My husband called 911 immediately and they were at the house within minutes. I'm not sure how many Medical Technicians there were, I think 3 or 4. I don't know what they're names were I only know that they immediately started working on me, giving me oxygen, asking me what medications I take, etc. I was hooked up to a necessary IV and I'm sure other things were done while in transit to the hospital. They kept talking to me all the time, which was very reassuring.

The point I'm trying to make is, I don't know what I would have done if we didn't have this wonderful service available to us. I was so impressed by the quickness and the professionalism of this unit. The city can be very proud to have such a facility serving its citizens. I probably would not have gotten to the hospital as quick as I did. I know I would not have oxygen available to me if it weren't for them. I feel that they had a great deal to do with saving my life.

I was in the hospital for about 2 weeks, and still have to have many blood tests done and doctor visits to make, but that's a small price to pay when I think what could have happened without the EMT's.

What I would like you to do for me is see if you can find out who these gentlemen were that took such good care of me that early July 4th and give them my thanks for the great job they did.

Sincerely,



Mrs. Kathleen Reeves
102 Holley Dr.
Nitro, WV 25143

**CITY OF NITRO
COUNCIL MEETING MINUTES
SEPTEMBER 6, 2005**

AGENDA ITEM NO. I – CALL TO ORDER: 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, Tim Harrison, and Mark Goodall. Also present was City Attorney Troy Giatras. Absent were City Treasurer Ralph Allison and Councilman A.A. "Joe" Savilla.

AGENDA ITEM NO. II – INVOCATION / PLEDGE OF ALLEGIANCE: Councilman Tim Harrison gave the invocation. Councilman Mark Goodall led the Pledge of Allegiance.

AGENDA ITEM NO. III – APPROVAL OF MINUTES:

- A. COUNCILMAN TIM HARRISON MADE A MOTION TO ACCEPT THE AUGUST 16, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. IV – REPORTS:

- A. MONTHLY FINANCIAL REPORT: Mayor Casto yielded the floor to Tiffany Terry. Council members were given a packet with monthly expenditures. Ms. Terry stated that they will also receive another report at the end of every month that will give budget information. Councilman Tim Harrison asked what services S&S Engineers provided that was listed on the monthly expenditure sheet. Ms. Terry stated it was for a report that was necessary for a situation between the City of Nitro and Statewide Development. Mayor Casto added it was also for an annexation report. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO APPROVE THE MONTHLY FINANCIAL REPORT, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.
- B. ANNEXATION: Councilman Tim Harrison reported that nothing has been finalized. There are still reports to be completed by S&S Engineering that have not been turned into Attorney Giatras yet. COUNCILMAN BILL RACER MADE A MOTION TO TABLE THE ANNEXATION REPORTS UNTIL THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.
- C. COUNCIL REPORTS: There were no meetings held by Council to report.

AGENDA ITEM NO. V – NEW BUSINESS:

- A. APPROVAL OF BILLS FOR AUGUST 2005: Tiffany Terry stated that this was taken care of earlier in the meeting.
- B. RECOMMENDATION TO ACCEPT THE RESIGNATION OF MUNICIPAL COURT JUDGE JEFF WOODS: Mayor Casto reported that Municipal Court Judge Jeff Woods tendered his resignation since the last Council Meeting. Mayor Casto recommended that Council Members at Large along with Attorney Troy Giatras form a committee to determine the future of the Municipal Court. COUNCILMAN TIM HARRISON MADE A MOTION TO APPOINT COUNCIL MEMBERS AT LARGE AND ATTORNEY TROY GIATRAS TO A COMMITTEE TO DETERMINE THE FUTURE OF THE MUNICIPAL COURT, SECONDED BY COUNCILMAN MARK GOODALL AND WAS CARRIED.

Councilwoman at Large Brenda Tyler requested that Tiffany Terry provide them with figures for Municipal Court. Ms. Terry stated that she would have figures for fiscal year 2003 – 2004.

- C. RECOMMENDATION TO DISCUSS THE FUTURE OF THE MUNICIPAL COURT: Mayor Casto stated this was item was taken care of under Agenda Item B.
- D. RECOMMENDATION TO SET AMOUNT TO BE CHARGED IN RESPONSE TO FREEDOM OF INFORMATION ACT REQUESTS (FOIA): Tiffany Terry stated that the standard across the State is twenty-five cents per page for foia requests. Mayor questioned charging for the amount of time that employees spend on requests. Ms. Terry recommended that requests that take more than two to three hours for City employees to respond to may need to have that time calculated into the cost. Attorney Giatras suggested that Council set a copy rate and he will provide a case research already done by his office with respect to what can be charged for man hour time. COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO CHARGE TWENTY-FIVE CENTS PER COPY FOR FOIA REQUESTS, SECONDED BY COUNCILMAN TIM HARRISON. THOSE VOTING IN FAVOR OF THE MOTION WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, AND COUNCILMAN TIM HARRISON. THOSE OPPOSING WERE COUNCILMEN MARK GOODALL AND BILL RACER AND COUNCILWOMAN AT LARGE GERTIE ESTEP. THE MOTION PASSED.

AGENDA ITEM VI – QUESTIONS AND ANSWERS: Nothing

AGENDA ITEM VII – ANNOUNCEMENTS:

- A. DEVELOPMENT OF CITY WEB SITE: Tiffany Terry stated that Mayor Casto expressed a desire to have an official website for the City to inform citizens. They are presently checking on pricing for Web designers. Councilman at Large Bill Clark stated they could discuss turning his Website over to the City. Ms. Terry said he would need to make that recommendation to the Mayor.
- B. NEW PROCEDURES WITHIN CITY HALL TO ADDRESS THE REVIEW OF PUBLIC RECORDS: Mayor Casto stated that this will be reported on at the next meeting.
- C. PURCHASE OF TRUCK FOR FIRE CHIEF: Tiffany Terry reported that Mayor Casto authorized the purchase of a truck for the Fire Chief. She recommended that all Council Members see it. It is a Durango with a sticker price of \$24,000.00.
- D. CITY HALL HOURS: Mayor Casto stated that City Hall hours are from 8:00 till 4:00 and until staff is situated they have been closing at noon. He said he hoped that practice will end once the front office staff is up and running. Mayor Casto recognized Audra Lewis who was present. He stated that she worked for the City for a number of years.

AGENDA ITEM VIII – ESTABLISHMENT OF MEETING DATES:

- A. TUESDAY, SEPTEMBER 20, 2005, 7:30 P.M. – REGULAR MEETING:
- B. TUESDAY, OCTOBER 4, 2005, 7:30 P.M. – REGULAR MEETING: Mayor Casto reported that the next two meeting dates will be September 20, 2005 and October 4, 2005.

AGENDA ITEM IX – PUBLIC FORUM: Mayor Casto said that this is the opportunity for individuals to stand up and ask questions or talk.

Bob Schamber addressed Council. He stated that he liked the new format. He also mentioned that the Nitro Seniors are sponsoring a Talent Show at the Kathy Mattea Auditorium on Saturday September 24, 2005 at 7:00 pm. He invited everyone to attend.

Karen Fritz addressed Council. She asked what was being considered for annexation. Councilman Tim Harrison responded that he did not have information for her. Ms. Fritz expressed her disappointment with the resignation of Municipal Court Judge Jeff Woods and requested that Council consider reinstating a judge in the City. She said it is a service to the citizens. Ms. Fritz questioned Attorney Giatras on the status of the lawsuit with Statewide Development. Attorney Giatras stated it had not been filed.

Ms. Fritz said that she spoke with Police Chief Jack Jordan concerning information she requested from the Police Department. Chief Jordan told her they had the information she asked for. It was her understanding that they could simply make copies. She did not want them to create reports for her. Ms. Fritz informed everyone that there will be a (public information) meeting on Monday September 12, 2005 at 6:00 pm at the LKM Auditorium.

County Commissioner Jim Caruthers addressed Council. He stated he was interested in what area was being considered for annexation.

Councilman Mark Goodall questioned if copies of information could be offered on computer disc. Tiffany Terry said that wouldn't be a problem. Councilman Goodall suggested they look into that because it would save everyone money.

Wayne Fleshman addressed Council. He expressed concern with a parking problem at the Somewhere in Time Antique Mall that he owns. People going to the Community Center are using their parking lot which limits his business. Mr. Fleshman spoke with Jason Thomas of the Community Center, but received little help from him. Since then Mr. Thomas posted signs in the Community Center window stating that cars will be towed if they park at the Somewhere in Time Antique Mall if they are not customers. Mr. Fleshman stated this is not true. He has no problem with people parking on his lot if they use the appropriate spaces. Councilwoman at Large Brenda Tyler suggested that Mr. Fleshman file a complaint with the Nitro Development Authority since Mr. Thomas is an employee of theirs.

Councilman Tim Harrison passed out guidelines for the Public Forum portion of the Council Meeting to all Council Members. Mr. Harrison stated that he is appalled with the way the Council, the Mayor, and the Mayor's appointees have been addressed. He said citizens have a right to express their concerns, but a level of decorum must be maintained. He requested to be placed on the agenda at the next Council Meeting to discuss a vote on his recommendation. Councilman Harrison stated that the proceeds from the September Fishing Tournament will be donated to the Red Cross to benefit the relief efforts from the recent hurricane.

Fire Chief Ernie Hedrick reported that the State has taken in almost 500 evacuees (from the hurricane) since Saturday and told about the circumstances the Fire Department has encountered while contributing their services.

Police Chief Jack Jordan reported on a meeting he attended concerning the relief efforts.

Councilman Bill Racer stated that at the last meeting he was told the City did not receive the report from S&S Engineers because they had not been paid. He was informed that payment has been approved and the check was issued.

Councilwoman at Large Gertie Estep reported that she has been speaking with the Ethics Commission and invited them to come in October for a meeting. She said the public and City Council would be invited. Mayor Casto said they could hold a meeting either the first or third Tuesday during a regular Council Meeting. Ms. Estep recommended that the Mayor appoint Tim Sizemore to the position left vacant by Art Ashley on the Sanitary Board. Councilwoman at Large Brenda Tyler said it was her understanding that Mr. Sizemore is moving. Ms. Tyler said he bought a funeral home at Flatwoods and will be moving up there to operate that funeral home. Ms. Estep stated that she spoke with Mr. Sizemore last week and he said he would be interested.

Councilman at Large Bill Clark suggested that the lunch hours be staggered so that City Hall can be open. Mayor Casto said as soon as the front office staff is set they will start being open again.

Councilwoman at Large Brenda Tyler presented approximately \$180.00 that was given to her to go into the Dewey Mann Memorial Account. Ms. Tyler also reported that the fundraiser at Wal-Mart raised a little over \$6,000.00 for the recreation fund. The money was previously approved to go toward paying for the new concrete at the pool. Councilwoman Tyler also stated that as chairperson of the Recreation Committee she approved a circus coming to town on September 12 and 13, 2005. It will be at no expense to the City. The circus will give the City ten percent of the gate (admission) and pay \$100.00 per day rental fee. It will be held at the area by the BMX bike track. Ms. Tyler asked for verification that the Christmas Parade will be held the first Saturday in December at 6:00 pm. Ivan Meadows stated that is correct. Ms. Tyler questioned if the Recreation Committee is still in charge of that. Mayor Casto said yes. Councilwoman Tyler asked if they should work on a Christmas Dinner or something for the employees of the City as they have in the past. Mayor Casto said yes. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION FOR THE RECREATION COMMITTEE TO START WORKING ON THE HALLOWEEN PARTY, SPONSERED BY THE POLICE AND FIRE DEPARTMENTS, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. X – ADJOURNMENT: There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ADJOURN THE MEETING.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

**CITY OF NITRO
COUNCIL MEETING MINUTES
SEPTEMBER 20, 2005**

AGENDA ITEM NO. I – CALL TO ORDER: 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 Attorney Troy Giatras. Absent were City Treasurer Ralph Allison and Councilman Mark Goodall.

AGENDA ITEM NO. II – INVOCATION / PLEDGE OF ALLEGIANCE: Councilwoman at Large Gertie Estep gave the invocation. Commissioner Jim Caruthers led the Pledge of Allegiance.

AGENDA ITEM NO. III – APPROVAL OF MINUTES:

- A. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ACCEPT THE SEPTEMBER 6, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED WITH COUNCILMAN A.A. "JOE" SAVILLA ABSTAINING.

Mayor Rusty Casto yielded the floor to Councilwoman at Large Brenda Tyler. Councilwoman Tyler stated that Virginia Agee recently turned 100 years old and has been selected as Citizen of the Month. Ms. Tyler said she will try to get Ms. Agee to attend the next Council Meeting so she can be presented her award.

AGENDA ITEM NO. IV – REPORTS:

- A. ANNEXATION: Councilman A.A. "Joe" Savilla addressed Council concerning proposed annexation on both ends of the City. A map was displayed to show the areas. Councilman Savilla said there will be a short Annexation Committee following the Council Meeting.
- B. RECREATION COMMITTEE: Councilwoman at Large Brenda Tyler reported that the Chairpersons of the Recreation Committee had a meeting on September 15, 2005 to put together ideas. They have scheduled a Recreation Committee Meeting on Tuesday, September 27, 2005 at 7:00 pm in Council Chambers. They have planned a City Halloween Party to be held on Monday October 31, 2005 from 6:00 pm to 9:00 pm. They have had several things donated so there will be no cost to the children attending. Councilman Tim Harrison is in charge of the Veteran's Day Parade to be held on November 11, 2005 at 12:00 pm. Anyone interested in participating should contact Councilman Harrison. There will be an employee Christmas Dinner on Thursday December 1, 2005 at 7:00 pm at St. Paul's United

THIS DEED, Made this ____ day of _____, 2005, by and between THE CITY OF NITRO, a municipal corporation, party of the first part, and MARK E. SANDERS, SR., party of the second part.

WHEREAS, by Ordinance No. _____, passed by City Council on _____, 2005, the party of the first abandoned and discontinued a portion of a 10' alley, containing 1,776 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia; and

WHEREAS, by said Ordinance No. _____, the Mayor of the City of Nitro was directed to execute, acknowledge and deliver to the party of the second part a deed conveying all right, title and interest of the party of the first part in and to a portion of a 10' alley, containing 1,776 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia; and

NOW THEREFORE:

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which are hereby acknowledged, the said party of the first part does hereby GRANT and CONVEY unto the party of the second part, all its right, title and interest to and in that certain portion of a 10' alley, containing 1,776 square feet, of East Crawford Addition of the City of Nitro, Kanawha County, West Virginia, as set forth on that certain plat entitled, "ABANDONMENT MAP FOR MARK E. SANDERS, SR. BEING MICHIGAN AVE. ADJACENT LOTS 45 THRU 51 BLOCK "M" SECTION TWO EAST CRAWFORD ADDITION LOCATED IN THE CITY OF NITRO, NITRO DISTRICT, KANAWHA CO., WV", prepared by Donald L. Wilkinson, L.L.S, Wilkinson Surveying And Engineering, Inc., Dunbar, WV, dated February 23, 2004, said portion of a 10' alley containing 1,776 square feet, being more particularly bounded and described as follows:

BEGINNING at a ½" rebar in the southern right-of-way line of a 10' alley at the most northeast corner of Lot 51 of Block "M", Section Two, East Crawford Addition; thence N. 55° 01' W. 177.21', being a chord bearing and distance, with Lot 51 thru 45 to the most northwest corner of said Lot 45 of East Crawford Addition to a ½" rebar; thence, N. 36° 29' E. 10.02', crossing said alley to a ½" pipe at the most southeast corner of Lot 17 of said Addition; Thence, S. 55° 00' E. 177.00, being a chord bearing and distance, with Lot 17 thru 23 to the most southwest corner of said Lot 23 of said Addition; thence, S. 35° 18' W. 10.03, crossing back over said alley to the point of beginning and containing 1,776 square feet; '

as shown on the copy of the said Ordinance No. _____, together with attachments, attached hereto, which are incorporated herein by reference. The party of the first part does hereby reserve a sewer easement for the purpose of construction, maintenance, repair and

removal of storm and sanitary sewer lines and does require that the surface profile or contour be maintained.

The party of the second part does herein agree to take possession of the subject property subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

The party of the first part herein does not, in any way, warrant the title of the property being conveyed.

DECLARATION OF CONSIDERATION OF VALUE: The party of the first part hereby declares that this conveyance is not subject to excise tax on the privilege of transferring real property for the reason of the party of the first part is a political subdivision of the State of West Virginia.

IN WITNESS WHEREOF, The City of Nitro has caused its name to be affixed hereto by its Mayor, duly authorized:

THE CITY OF NITRO, a municipal corporation

By: _____

Its Mayor

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, T-Wit:

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, whose name is signed to the foregoing writing bearing date the _____ of _____, 2005, for THE CITY OF NITRO, a municipal corporation, as its mayor, has this day acknowledged the same to be the act of said corporation, before me in my said County.

Given under my hand and seal this _____ day of _____, 2005.

My commission expires _____.

(affix notarial seal)

Notary Public

() Owner will occupy premises

() Owner will not occupy premises.

This instrument was prepared
without benefit of title search by:
William W. Smith, Attorney
307 Pennsylvania Avenue
Charleston, West Virginia 25302
02873a00.605

RETURN TO:

THIS DEED, Made and entered into this 24 day of August, 2005, by and between **THE CITY OF NITRO, a municipal corporation**, hereinafter referred to as party of the first part, and **VICTOR L. CANTERBURY and LINDA S. CANTERBURY, his wife**, hereinafter referred to as parties of the second part.

WHEREAS, By Ordinance No. 05-08, passed and enacted by the City Council of the City of Nitro, Kanawha County, West Virginia, on the 2 day of AUGUST, 2005, the City of Nitro, a municipal corporation, party of the first part herein, abandoned and discontinued a portion of a 10' alley, containing 749 square feet, situate in Block M of East Crawford Subdivision of the City of Nitro, Kanawha County, West Virginia, as said real estate is more particularly set forth and designated on the map referred to hereinafter; and

WHEREAS, By said Ordinance No. 05-08, the Mayor of the City of Nitro was directed to execute, acknowledge and deliver to the parties of the second part a deed conveying all right, title and interest of the party of the first part in and to a portion of a said 10' alley, containing 749 square feet, of Block M of East Crawford Subdivision, Kanawha County, West Virginia; and

NOW, WHEREFORE, WITNESSETH: That, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations not herein mentioned, the receipt of all of which is hereby acknowledged, the said party of the first part does hereby **GRANT, CONVEY, RELEASE, DEMISE, and FOREVER QUITCLAIM** unto the said parties of the second part, **as joint tenants with rights of survivorship and**

not as tenants in common, all of its right, title and interest, in and to that certain 10' alley, containing 749 square feet, of Block M of East Crawford Addition, to the City of Nitro, Kanawha County, West Virginia, as set forth and designated on that certain map entitled "MAP SHOWING PROPOSED ALLEY CLOSING ADJOINING LOTS 52, 53 and 54, BLOCK M, EAST CRAWFORD IN THE CITY of NITRO, KANAWHA COUNTY, WEST VIRGINIA" said map dated July 8, 2005, made by James R. Bumgardner Jr., Registered Professional Surveyor No. 1939, a copy of said map attached hereto and made a part hereof, said real estate being more particularly bounded and described as follows:

All of that certain tract or parcel of land on the waters of Kanawha River, in the City of Nitro, Kanawha County, West Virginia, and in Block M of East Crawford Subdivision in said City, being more fully bounded and described as follows:

Beginning at a rebar set at the rear common corner of lots 54 and 55, of Block M of said subdivision, said rebar is also in the southerly line of a 10 foot wide alley, thence going with the southerly line of said alley and the rear line of lots 54, 53 and 52 of Block M of said subdivision, with a curve to the right the chord of which bears N 58-10 W, for a distance of 75.0 feet to a rebar set at the rear common corner of lots 52 and 51 of Block M, thence crossing said alley N 35-18 E, 10.0 feet to a rebar set at the rear common corner of lots 23 and 24, Block M, and in the northerly line of said alley, thence going with the northerly line of said alley and the rear line of lots 24, 25 and 26, Block M of said subdivision with a curve to the left the chord of which bears S 58-10 E, for a distance of 75.0 feet to a rebar set at the rear common corner of lots 26 and 27, Block M, thence crossing said alley S 35-

16 W, 10.0 feet to the point of beginning and containing 749 square feet more or less.

The party of the first part does hereby **RESERVE** a sewer easement for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines and does require that the surface profile or contour be maintained.

The parties of the second part do herein agree to take possession of the subject property subject to any pre-existing easements and/or covenants as may be reflected in the chain of titled.

The party of the first part herein does not, in any way, warrant the title of the property being conveyed.

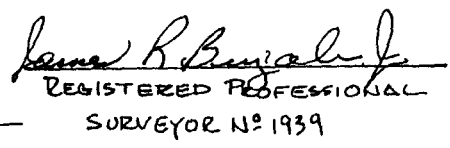
DECLARATION OF CONSIDERATION OF VALUE: The party of the first part does hereby declare this conveyance is exempt from West Virginia State Excise Tax for the purpose that this conveyance is a transfer of title real estate from a Municipality for a consideration of less than One Hundred Dollars (\$100.00).

IN WITNESS WHEREOF, THE CITY OF NITRO, a municipal corporation, by Rusty Casto, its Mayor, has this 3 day of ^{AUGUST} ~~JULY~~, 2005, caused its corporate name to be signed and its corporate seal to be affixed by its duly authorized officer:

THE CITY OF NITRO,
a municipal corporation

By: [Signature]
Its: Mayor

2. SEE MAP BOOK 6, PAGE 62463.
3. WVDOH PROJECT S-71(14) SHEET 12.
4. SEE CITY OF NITRO TAX MAP 27.



A circular professional seal for James A. Bumgardner, Jr., a Licensed Professional Surveyor in the State of West Virginia. The seal features a double-lined circular border. Between the lines, the text "JAMES A. BUMGARDNER, JR." is written along the top arc, and "PROFESSIONAL SURVEYOR" is written along the bottom arc. In the center of the seal, the word "LICENSED" is at the top, "No. 1939" is in the middle, and "STATE OF WEST VIRGINIA" is at the bottom.

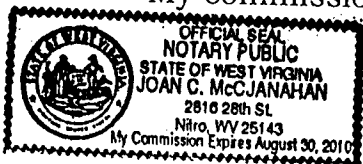
STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, TO-WIT:

I, Joan C. McCJanahan, a Notary Public in and for the county and state aforesaid, do hereby certify that Rusty Castle, whose name is signed to the foregoing deed bearing date the 3 day of August, 2005, for **THE CITY OF NITRO, a municipal corporation, as Mayor of said City**, has acknowledged the same before me in my said county and state to be the act and deed of said corporation.

Given under my hand this 3 day of ^{August}~~July~~, 2005.

My commission expires August 30, 2010.



Joan C. McCJanahan
NOTARY PUBLIC

This Instrument Was Prepared By:

Jeremiah F. McCormick
McCORMICK LAW OFFICE
2602 First Avenue
Post Office Box 715
Nitro, West Virginia 25143

Methodist Church. Sign up forms will be sent out. Councilwoman Tyler requested that Tifney Terry be on the agenda at the next Council Meeting since she will be asking for Council approval for funds for the dinner. The Christmas Parade will be Saturday December 3, 2005 at 6:00 pm. Everyone is welcome to participate in the parade. The official lighting of the Children's Park will take place the night of the Christmas Parade. Councilwoman Tyler asked for donation of lights or decorations. They are planning on putting lights at Ridenour Lake. Public Works will also be putting decorations there.

- C. POLICE DEPARTMENT: Captain Javins gave Council a copy of their monthly stats for August 2005.
- D. FIRE DEPARTMENT: The Fire Department also gave Council a copy of their calls for August 2005. Mayor Casto also gave Council a list from the Metro Emergency Operations System on their calls.
- E. HURRICANE "KATRINA" BOOT DRIVE FOR AMERICAN RED CROSS. JOINT EFFORT BETWEEN CITY OF NITRO AND NITRO MOOSE LODGE: Mayor Casto yielded the floor to Debbie Jordan. Ms. Jordan reported that the Nitro Fire and Police Departments worked with the Nitro Moose Lodge on a Boot Drive. They raised \$5,158.00. Mayor Casto reported that he worked at the Fall Festival at Nitro Elementary on Saturday and they raised over \$4,000.00.
- F. CITY OF NITRO – LEGAL ISSUES: City Attorney Troy Giatras reported that he received an engineering report from S&S Engineering regarding the issues along Third Avenue. Attorney Giatras stated he just received the report today so he has not had time to go over it. He would also like to speak with the engineer to get some additional opinions from him. Attorney Giatras also reported that they have been proceeding with the paperwork for the boat ramp at the former Smith Street Landfill. The City has now been named as a defendant in a case from the Caldwells concerning a breach of contract with respect to repairs on their property. This case has not yet been resolved so it is not in the best interest of the City to proceed with an agreement concerning the boat ramp. Councilman A.A. "Joe" Savilla asked Attorney Giatras if he had anything else concerning Carriage Way streets. Attorney Giatras said he did not, but he would follow through after the meeting.

AGENDA ITEM NO. V – OLD BUSINESS:

- A. PROCEDURES WITHIN CITY HALL TO ADDRESS THE REVIEW OF PUBLIC RECORDS: Mayor Casto yielded the floor to Tifney Terry. Ms. Terry stated that she included in each Council

Member's packet a copy of a memo that was given to all Department Heads concerning Freedom of Information Act Requests. In order to keep track of these requests they will all go through her office. She will track and log them and respond to the request in a timely manner. She will keep copies of all information given out to the public.

- B. FUTURE OF THE MUNICIPAL COURT: Councilwoman at Large Brenda Tyler stated that they had not had a meeting yet regarding this matter. A meeting was scheduled for Wednesday, September 22, 2005 at 5:30 pm in Council Chambers. Tifney Terry gave Councilwoman Tyler information on the statistics on the Municipal Court to pass out.

AGENDA ITEM VI – NEW BUSINESS:

- A. APPROVAL OF BILLS FOR SEPTEMBER 1, 2005 THROUGH 16TH, 2005 IN THE AMOUNT OF \$200,910.21: Mayor Casto yielded the floor to Tifney Terry. Ms. Terry stated that \$30,000.00 to \$35,000.00 of these bills will be charged off to the last fiscal year because they are five to six months old and the pre-date is current. Councilman A.A. "Joe" Savilla questioned why there were so many outstanding old bills. Tifney said it was due to a lack of communication. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE PAYMENT OF \$200,910.21 IN BILLS, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.
- B. RECOMMEND CITY OF NITRO SUPPORT NITRO HIGH SCHOOL BY PLACING AD IN THE FALL SPORTS PROGRAM. COST OF AD \$200.00: Mayor Casto stated that every year both Poca and Nitro High School request the City place an ad in their sports programs. COUNCILMAN TIM HARRISON MADE A MOTION FOR THE CITY OF NITRO TO PLACE AN AD IN BOTH THE NITRO AND POCA FALL SPORTS PROGRAMS, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.
- C. RECOMMEND COUNCIL APPROVE MOVING FORWARD TO OBTAIN BIDS ON A 2006 CITY CALENDAR: COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO OBTAIN BIDS FOR THE 2006 CITY CALENDAR, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Mayor Casto said he will try to have a photographer at the next Council Meeting to take the photo of Council.

Mayor Casto stated he received a letter from the Salvation Army requesting permission to place collection kettles in the City of Nitro.

COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ALLOW THE SALVATION ARMY TO PLACE COLLECTION KETTLES IN THE CITY OF NITRO, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM VII – QUESTIONS & ANSWERS: Nothing.

AGENDA ITEM VIII – ANNOUNCEMENTS:

- A. CITY OF NITRO SURPLUS AUCTION: Mayor Rusty Casto reported that at the next Council Meeting Arlie Smith of the Public Works Department will announce the date of the City Surplus Auction. Mayor Casto will give each Council Member a list of items to be auctioned off.

Mayor Casto reported that thanks to the good work of City Recorder Joan McClanahan the road up on Third Avenue was adopted by the State. Mayor Casto asked City Attorney Troy Giatras to contact the State of WV concerning the letter he and Council Members received from a city resident concerning the hill sliding in on that road. Mayor Casto thanked Joan McClanahan for digging through the Council Minutes to find this information which helped the City.

AGENDA ITEM IX - ESTABLISHMENT OF MEETING DATES:

- A. TUESDAY, OCTOBER 4, 2005, 7:30 P.M. – REGULAR MEETING: Mayor Casto stated he hoped to have the photo of Council for the City Calendar taken that day.
- B. TUESDAY, OCTOBER 18, 2005, 7:30 P.M. – REGULAR MEETING:

AGENDA ITEM X – PUBLIC FORUM: Mayor Casto asked if anyone had a question or comment.

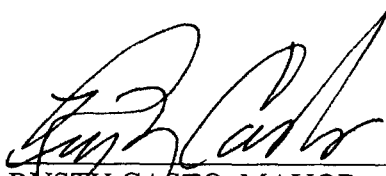
Karen Fritz asked who was on the Annexation Committee. Councilman A.A. “Joe” Savilla told her that he was the Chairman of the Committee and it is made up of members of Council. He said that John Montgomery has also attended the meetings and anyone is invited to be a part of the meetings. Ms. Fritz asked if they have a set time to meet. Councilman Savilla said the next meeting will be following this meeting. Ms. Fritz suggested that it would be nice to share the Police and Fire Department reports with the citizens.

Bob Schamber reminded everyone that the Senior Citizens will be having a Talent Show in the Kathy Mattea Auditorium on Saturday, September 24, 2005 at 7:00 pm. They have ten acts lined up. Councilwoman at Large Gertie Estep added that the Seniors are selling hot dogs from 4:00 to 7:00 pm in the cafeteria.

Karen Fritz stated that it would be nice for the Police and Fire Departments to make verbal reports as well.

Councilman Bill Racer stated that he was told by Mr. Collins that he could not hear real well and he cannot hear what Council is talking about. Councilman Racer asked if they could use some type of speakers and a microphone. Councilwoman at Large Gertie Estep suggested getting estimates on a new sound system. Mayor Casto stated that the Council Chambers are open and used by the public and there is the potential for the system to be messed up. Councilman Racer suggested they look into a portable system that they could remove. Councilman Racer also asked if they are going to put a Nitro Fire Department Emblem on the Fire Chief's new truck. Councilwoman Brenda Tyler said she spoke with Chief Hedrick and he looked into it and it was going to cost about \$1,000.00 so he didn't think it was feasible right now.

AGENDA ITEM NO. XI – ADJOURNMENT: There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ADJOURN THE MEETING.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

**CITY OF NITRO
COUNCIL MEETING MINUTES
OCTOBER 4, 2005**

AGENDA ITEM NO. I – CALL TO ORDER: 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. Absent were City Attorney Troy Giatras and City Treasurer Ralph Allison.

AGENDA ITEM NO. II – INVOCATION / PLEDGE OF ALLEGIANCE: Mayor Rusty Casto asked for a moment a silence in memory of Robert White, a resident of Nitro who was recently killed in Afghanistan. Cam Harmon gave the Invocation and Attorney Harvey Peyton led the Pledge of Allegiance.

AGENDA ITEM NO. III – APPROVAL OF MINUTES:

- A. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO ACCEPT THE SEPTEMBER 20, 2005 COUNCIL MEETING MINUTES, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED WITH COUNCILMAN MARK GOODALL ABSTAINING.

AGENDA ITEM NO. IV – REPORTS:

- A. APPOINTMENT OF MUNICIPAL COURT JUDGE: Councilwoman at Large Brenda Tyler reported on the decision made by a committee made up of Council Members at Large regarding the appointment of a Municipal Court Judge. They decided to maintain the Municipal Court due to the fact that if the City does not have a Municipal Court they cannot enforce any City Ordinances. Two people were interested in the position of Municipal Court Judge. They observed Shawn Taylor as he oversaw Monday night’s Court. Afterward they met with him and voted to recommend Mr. Taylor to the Mayor as the new Municipal Court Judge. Mayor Rusty Casto appointed Shawn Taylor as the new Municipal Court Judge.
- B. KEMRON: Chris Amick recommended that the City seek Brownfields funding to complete some assessments throughout the City with the aim of bringing underutilized properties back onto the tax rolls. Mr. Amick yielded the floor to Dawn Seeburger with Environmental Resources and Consulting. Ms. Seeburger addressed Council concerning the benefits of applying for EPA Grants and gave a Power Point presentation. A question and answer session followed.
- C. RECREATION COMMITTEE: Councilwoman at Large Brenda Tyler reported that the Recreation Committee is working on the Halloween Party, Veteran’s Day Parade, Christmas Parade, and other

activities within the City. They plan to decorate around the gazebo at Ridenour Lake with Christmas Lights. They hope to expand on this each year. There will also be a decoration contest on 21st Street that Mrs. Marino is in charge of organizing. There will be a float contest as part of the Christmas Parade. They are also working on the Halloween Party. 2nd Avenue between 21st Street and 19th Street will be closed to set up for the Halloween Party. Thursday, October 6, 2005 at 7:00 pm will be the next Recreation Committee meeting.

- D. ANNEXATION COMMITTEE: Councilman A.A. "Joe" Savilla reported that an Annexation Committee meeting was held after the Council Meeting on September 20, 2005 with seventeen people in attendance. They discussed the possible future plans on annexation in both Putnam and Kanawha counties. Councilman Savilla reported that they received letters from the Putnam County Chamber of Commerce that attacked the City of Nitro for wanting to run all the jobs out of Putnam County by potential annexation. Councilman Savilla read one of the letters by Marty Chapman, President of the Putnam County Chamber of Commerce. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO MAKE BOTH LETTERS FROM THE PUTNAM COUNTY CHAMBER OF COMMERCE BE ENTERED INTO THE MINUTES, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

Copy attached.

Councilman Savilla said he will schedule an Annexation Committee meeting later in the week. Councilwoman Brenda Tyler asked how Marty Chapman can serve on the Putnam County Commission if he lives in Kanawha County.

- E. CITY OF NITRO – LEGAL ISSUES: Mark French stood in for City Attorney Troy Giatras. Mr. French addressed Council concerning a proposed Ordinance to abandon a certain property between Locust Street and Route 25 adjacent to the Craigo property in the City of Nitro. CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO READ THE ORDINANCE FOR THE CRAIGO ABANDONMENT BY TITLE ONLY, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.
- Mark French read the Ordinance by title only: AN ORDINANCE TO ABANDON AN ALLEY SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AS THE SAME IS SHOWN ON THAT CERTAIN SURVEY MAYP, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, MARKED AS "EXHIBIT 1", DATED

DECEMBER 19, 2001, ENTITLED "A PLAT SHOWING A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA," SCALE 1" = 40.00', PREPARED BY DONALD HAYES, P.L.S. #902.

City Recorder Joan McClanahan explained that this request has been approved by the Planning Commission and had already passed through Council.

CITY RECORDER JOAN MCCLANAHAN MADE A MOTION TO ADOPT THE ORDINANCE, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.

ORD. 05-09. Copy attached.

Councilman Bill Racer questioned the standing of the Lawsuit against Statewide Development. Mr. French stated that they have an initial report, but there are still working with the engineer to get some things put together.

AGENDA ITEM NO. V – OLD BUSINESS:

AGENDA ITEM VI – NEW BUSINESS:

APPROVAL OF BILLS: Tifney Terry stated that there were comments made on a local radio program that stated that the City's financial information had not been published in the newspaper for several years. Ms. Terry pulled the records and made copies for Council of the posting of the City's Financial Records in the newspaper from 2004 and also the information for 2005 that will be published this week.

Ms. Terry stated that Council Members received information in their packets concerning bills that had been paid through Friday, September 30, 2005. An additional \$29,757.19 in bills was also paid. This adjusted the total figure from \$74,086.20 to \$103,843.39. Copies of the additional payments were available for review. COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION TO APPROVE THE PAYMENT OF \$103,843.39 IN BILLS FOR SEPTEMBER 17, 2005 THROUGH SEPTEMBER 30, 2005, SECONDED BY COUNCILMAN AT LARGE BILL CLARK. Councilwoman at Large Gertie Estep questioned where the City is getting all the money (to pay the bills). Ms. Terry said they recently received property tax from Kanawha and Putnam Counties, B&O tax, utility tax; all of the things that are regular revenues into the City. Ms. Terry said she would be willing to show Councilwoman Estep more information concerning how money flows in (to the City) she would be happy to show her or she would make a presentation to Council. Councilwoman Estep said she it would be nice to have a presentation before Council. Ms. Terry said she would be happy to do it. A VOTE CONCERNING THE APPROVAL OF THE PAYMENT OF BILLS WAS TAKEN AND THE MOTION PASSED.

Councilwoman at Large Brenda Tyler thanked Tifney Terry for the work she is doing. She stated that they neglected to introduce Tifney at the last Council Meeting and inform the public that Ms. Terry is working for the City. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION THAT THE COUNCIL TAKE A VOTE OF APPROVAL FOR TIFNEY TERRY, SECONDED BY COUNCILMAN BILL CLARK. THOSE VOTING IN FAVOR OF THE MOTION WERE COUNCILWOMAN AT LARGE BRENDA TYLER COUNCILMAN AT LARGE BILL CLARK, AND COUNCILMEN A.A. "JOE" SAVILLA AND BILL RACER. THOSE OPPOSING WERE CITY RECORDER JOAN MCCLANAHAN, COUNCILWOMAN AT LARGE GERTIE ESTEP, AND COUNCILMAN MARK GOODALL. THE MOTION CARRIED.

Councilman at Large Bill Clark said the same people that were so happy to bring them down here and put Wanda Carney and Tifney Terry to work. Karen Fritz from the audience said excuse me you're out of order. Mayor Casto replied that he would take care of that Ms. Fritz and you keep your mouth shut or I'll throw you out.

AGENDA ITEM VII – QUESTIONS & ANSWERS: Mayor Casto opened the floor for discussion. Councilman Mark Goodall questioned what time the representative from Brim would be here Friday to discuss the City's compliance agreement. Mayor Casto said it would be at 1:00. Mr. Goodall also stated that a couple of employees were confused about the new cell phone policy. It was his understanding that employees have not seen that policy yet. Mr. Goodall recommended that all employees with cell phones be given a copy of this policy and sign the sheet acknowledging that they understand it. Mayor Casto said they could start that Monday at their staff meeting. Councilman Goodall stated that he also received complaints about perennial yard sales. He wasn't sure if they needed to make an Ordinance. He said St. Albans has an Ordinance allowing two yard sales a year up to three days each and there is a \$2.00 permit fee. They do not allow yard sales on Sundays. Mayor Casto asked Councilman at Large Bill Clark to chair a committee concerning guidelines for yard sales. Mayor Casto suggested that Councilman Goodall help on the committee. Councilman Clark said he would do it. Councilman Mark Goodall asked Councilman Tim Harrison if the City is getting mobile to mobile free on the new cell phone contract. Councilman Harrison gave the guidelines on the new cell phone contract.

Councilman Bill Racer stated that he would like to see an identifying sticker on the Fire Chief's Truck. Tifney Terry said since it is an administrative vehicle it would be Mayor Casto and Chief Hedrick's place to make that call. Councilman at Large Bill Clark said he spoke with Chief Hedrick and he did not think it was necessary to have the sticker.

Councilman A.A. "Joe" Savilla said he was upset with the amount of garbage on the streets in the City of Nitro. He said he and his family picked up almost four bags of garbage on Sunday. He said if there is not a strong Ordinance on littering there needs to be one. Mr. Savilla also stated he received a call from a resident on Carriage Way concerning a water problem and he questioned if A.J. Hill, Director of Public Works, had

addressed that problem. Mayor Casto said A. J. Hill was going, but he didn't know if he'd already been there.

Councilman at Large Bill Clark said that areas where there is a garbage problem that Councilman Savilla addressed are the same areas where there are houses that need cleaned up. Mr. Clark said he sent the Building Inspector twenty-five or maybe one hundred and twenty-five locations that should be cleaned up and citations written. That's been almost a year ago and he hasn't received a report back from Bryan Casto, Building Inspector. Councilman Clark said he sent a picture of a mobile home on 40th Street that is a 1950 model that is abandoned to Bryan. To his record Mr. Casto never did anything with that. Mr. Clark said that area needs beautified.

Councilman at Large Bill Clark said he was listening to the Howard Stern show today, I'm sorry the Jerry Water's Show. Mr. Clark said it reminds him of the Howard Stern Show. Councilman Clark said Howard Stern gets the lesbians, the queers, and all the freaks on there so people will listen because there's a certain amount of people that's interested in that kind of garbage. Councilman Clark said he hated to bring her out here, but she's here and she's vocal – Ms. Fritz makes herself a party to this. Today she was bashing Nitro again as she normally does. Mr. Clark said she doesn't see any progress. She's been here since November, she doesn't like what she sees, she's not happy with what she sees, she's shaking her head right now. Councilman Clark asked Ms. Fritz what in the world brought her to this town if it's so bad and the door swings both ways, if you don't like this town why don't you get the hell out. Councilman Clark said that's first of all, you make a note of that hun. Second of all Councilman Clark said he told his wife before he came to Council tonight that he was going to mention that to you (Ms. Fritz). Mr. Clark said how fortunate it was that Ms. Fritz came up and reminded his wife that he did buy another piece of property recently. Mr. Clark said that the properties that he owns and the businesses that he owns; she can look all day and she won't find them all. Councilman Clark said his wife isn't privy to every piece of property he buys so you (Karen) wanted to tell her about it; that's none of your business, that's personal. Stay out of my life and stay out of my personal life; the same as you wouldn't tell me about San Jose, California and how many kids that you took care of in that school. They obviously ran you out because you wouldn't even talk about it. Why don't you stand up and tell us your history about San Jose, California and give us a little background on you one time. Mayor Casto told Councilman Clark that they needed to move on.

Councilwoman at Large Brenda Tyler told Tifney Terry that she had a check in the amount of \$450.00 for the Dewey Mann Memorial.

Councilman at Large Bill Clark called Mr. Gillispie foreward. Councilman Clark gave Mr. Gillispie a copy of the aggregate, the budget, and all the information (he requested). Mr. Gillispie thanked Councilman Clark. Councilwoman at Large Brenda Tyler asked Mr. Gillispie if he wanted copies of the newspaper articles that showed that the City did print their budgets. Mr. Gillispie replied he would and he was given a copy. Councilman Clark told Mr. Gillispie that the City waived the fees on the 600 sheets of paper.

Councilwoman at Large Brenda Tyler reported that at the NDA meeting held on September 27, 2005. Jason Thomas, Director of the Community Center resigned. They have formed a committee and are in the process of hiring a new director. Ms. Tyler also reported that Tom Brewer, Chairman of the NDA has resigned due to health problems. She requested that the Mayor send Mr. Brewer a letter and thank him for his service to the NDA. Ms. Tyler informed Council that the NDA voted in Mary Trout to serve as Chairperson of the NDA until January 2006 when they have their annual elections.

AGENDA ITEM VIII – ANNOUNCEMENTS:

A. CITY OF NITRO SURPLUS AUCTION: Mayor Casto reported that the City of Nitro Surplus Auction will be held at the City garage on Saturday, October 22, 2005. The time will be announced at the next meeting.

AGENDA ITEM IX - ESTABLISHMENT OF MEETING DATES:

A. TUESDAY, OCTOBER 18, 2005, 7:30 P.M. – REGULAR MEETING:

B. TUESDAY, NOVEMBER 1, 2005, 7:30 P.M. – REGULAR MEETING:

AGENDA ITEM X – PUBLIC FORUM: Mayor Casto yielded the floor to Karen Fritz. Ms. Fritz asked if the Metro Government had any bearing on the proposed annexation. Councilman Savilla said it did not as they have been discussing annexation for the past five years. Ms. Fritz asked if all the payables for the City had been posted. Tifney Terry reported that some procedures in City Hall are changing and it is only her fourth week on the job. She said she hoped to have them done by the next Council Meeting and report on it then. Ms. Fritz questioned why there is no Police or Fire Report on this meeting's agenda. Ms. Terry said those departments will only report on a monthly basis. Ms. Fritz questioned what the revenue was from the Circus. Ms. Terry said the City received \$300.00 from the gate receipts. Ms. Fritz questioned the revenue from the Fishing Tournament held this Saturday. Ms. Terry said these are processes that are being implemented slowly. She said if Ms. Fritz would like everything that generates revenue for the City to be updated monthly she would be happy to get those on a list and make sure they are addressed at least once a month. Ms. Fritz stated that there will be a City of Nitro Resident's meeting on Monday, October 10, 2005 at 6:00 pm at the LKM Auditorium. Ms. Fritz told Councilman Clark that she took offence to his comments. She said they are inappropriate and all the snickering and laughing and clapping that goes on here is very unprofessional. Ms. Fritz said she really doesn't appreciate it. Councilman Clark replied, ok thank you. He said he will take that into consideration and possibly, maybe you'll (Ms. Fritz) get tired of it and leave. You're (Ms. Fritz) like a blister on a hind end that stinks and it hurts. Mayor Casto responded "Billy". Councilman Clark said I'm tired of it Rusty.

Mayor Casto yielded the floor to Mr. Walls. Mr. Walls asked that the cameras be removed from the Council Meetings. Tifney Terry said it would be a violation of the

law. She recommended that Council not go that route. She said it is a little distracting at times, but if they weren't there we don't want to go back to the times when meetings were closed door. Mayor Casto said the Municipal Court Judge could outlaw cameras from his courtroom, but not from Council Meetings.

Mayor Casto yielded the floor to Councilman Clark's wife. Mrs. Clark commented that while she did not agree with everything in the behavior of her husband, but if you (Ms. Fritz) want to be treated like a lady, a lady is to be seen, not heard and you stick your nose in everybody's business. Mayor Casto called the meeting to order.

A lady who is a resident of Forest Park spoke to Council as a representative of some of the residents of Forest Park. She said they would like to be considered for annexation.

Matthew Thornhill addressed Council. He stated it is important to recognize that people can disagree, but it is important not to be disagreeable. Respect and dignity is deserved by every citizen of this community whether we agree, Bill or not. He told Councilman Clark that he is his Councilman and he knows he has his support, but when those kinds of comments are made they make him disappointed. Councilman Clark responded that she (Ms. Fritz) started getting into his personal life. He said she (Ms. Fritz) got into his wife before the meeting, so she gets no respect from him ever. Councilman Clark said he would stand by that. Mr. Thornhill said he understood that, but how he acts affects the whole community. He said that citizens of the community expect the highest level of decorum and conduct from every City Official and if they can't have that then perhaps this may not be the place for you Bill. Councilman Clark responded, thank you, but I tend to treat people like they treat me.

A lady from the audience directed a question to the three Council Members that voted against the approval of Tifney Terry. She questioned why these members are against Tifney being a part of our City government, as much as she's done for the City already in the short time she's been here. Councilwoman at Large Gertie Estep responded that one reason might be that she was helping the City of Nitro and you all voted her out of here; didn't even want her to talk in the Council Meetings. The lady in the audience responded that Ms. Estep was for her, why is she against her now. Ms. Estep said because she turned. The lady in the audience replied you all paid to get her down here to get certain people out of office and now you're against her due to the fact that she turned and went to the other side. Councilwoman Estep said they did not pay to get her down here. The lady in the audience said her question is why they would be against here. Ms. Estep replied because you all voted her out and she thought they were very rude to her (Tifney) to do that. She said they did that when she was on vacation and she would never have voted her out. Another lady from the audience said what it boils down to is that the ones who are against Rusty are the ones who brought her (Tifney) down here and got all this stuff started. The City voted him as Mayor, get with the program. Councilwoman Estep said that's right, they voted me as Council and I got the most votes.

AGENDA ITEM NO. XI – ADJOURNMENT: There being no further business to discuss COUNCILMAN AT LARGE BILL CLARK MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

-----Original Message-----

From: Putnam County Chamber <chamber@putnamcounty.org>

To: Undisclosed-Recipient;

Sent: Wed, 21 Sep 2005 13:28:42 -0400

Subject: Fw: Nitro Annexation

Joe Savilla
10-04-05

September 21, 2005

Putnam County Chamber of Commerce Membership,

I was in attendance at the Nitro City Council meeting last night and heard Nitro's plans for annexing a large portion of Putnam County. They are in the process of completing the necessary paper work to file for the annexation on both sides of the Kanawha River. The Council intends to annex from the existing city line going north to just above the Rock Branch Industrial Park to where the gas line is located and going south to Goff Mountain Road at Institute. On the opposite side of the river they will go north to the John Amos Power Plant and south almost to Route 60 in St. Albans.

The issue is the B&O Tax this will cost the businesses in those areas. The facts are WV has a corporate net income tax that is 4% to 5% higher than surrounding states, along with a business franchise tax that surrounding states do not even have. The addition of a B&O tax could be the determining factor of whether businesses stay or leave the area. This could mean a loss of employers and a loss of jobs.

I would like to know your feelings on this issue. Please contact me by 4 p.m. on Friday, September 23 so the Putnam County Chamber can respond to this issue accordingly. I also encourage you to contact the Nitro City Hall at 755-0705 and let the council members know your feelings regarding annexation. You may contact me at mchapman@putnamcounty.org.

Thank You
Marty Chapman
President
Putnam County Chamber of Commerce

9/23/2005

-----Original Message-----

From: Putnam County Chamber <chamber@putnamcounty.org>

To: Undisclosed-Recipient;;

Sent: Wed, 28 Sep 2005 09:54:24 -0400

Subject: Nitro Annexation

Joe Saville
10-07-05

Putnam County Chamber Members,

The Board of Directors of the Putnam County Chamber of Commerce voted September 26 to oppose the proposed Annexation Plan of the City of Nitro. The Chamber will be contacting, in writing, the Putnam County Commission and the City of Nitro. I will forward that communication to you as soon as it drafted for you to follow suit if you so choose. We will also provide names and addresses as well as talking points for you to use.

I have also contacted the WV Development Office and the Governor's Office and made them aware of the potential for job and economic loss this action could cause. Thank you for your quick response, which was vital in the Board's decision making process. I will continue to communicate with you as we move forward. The Putnam Chamber is proud to be an advocate for its members on all levels - state, county or municipal. The Putnam County Chamber is here to serve its members.

Marty Chapman
President.
Putnam County Chamber of Commerce

10/3/2005

CITY OF NITRO, WEST VIRGINIA

ORDINANCE NO. 05-09

AN ORDINANCE TO ABANDON AN ALLEY SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AS THE SAME IS SHOWN ON THAT CERTAIN SURVEY MAP, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, MARKED AS "EXHIBIT 1", DATED DECEMBER 19, 2001, ENTITLED "A PLAT SHOWING A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA," SCALE 1" = 40.00', PREPARED BY DONALD R. HAYES, P.L.S. #902.

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

WHEREAS, a 10.00' alley as the same is shown on that certain survey map, a copy of which is attached hereto and incorporated herein by reference, marked as "Exhibit 1", dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, is not utilized by the public of the City of Nitro; and

WHEREAS, an abutting property owner to the said 10.00' alley, Craigo Real Estate Corporation, a West Virginia corporation, has petitioned and requested that said 10.00' alley be abandoned to Craigo Real Estate; and

WHEREAS, on May 12, 2005, a public hearing was held before the Planning Commission for the City of Nitro for the purpose of discussing the abandonment of the said 10.00' alley and no one objected to the abandonment; thus, the Planning Commission for the City of Nitro approved the request of Craigo Real Estate Corporation to abandon said 10.00' alley; and

WHEREAS, at two (2) regularly called City Council meetings, City Council for the City of Nitro approved the motion for approval of the aforesaid request for abandonment of said 10.00' alley and on June 7, 2005, at a regularly called City Council meeting, the City of Nitro, approved the minutes of the May 17, 2005 meeting and thus finalized the approval of said abandonment; and

NOW THEREFORE, be it ORDERED by Council of the City of Nitro, West Virginia that the said 10.00' alley, as shown on that certain survey map, a copy of which is attached hereto and incorporated herein by reference, marked as "Exhibit 1", dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, is hereby closed, abandoned and discontinued.

Craigo Real Estate Corporation takes possession of said 10.00' alley subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

The City of Nitro does not, in any way, warrant the title of the subject property conveyed.

The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying all right, title and interest in and to said 10.00' alley to said abutting property owner, Craigo Real Estate Corporation.

All ordinances, or part of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

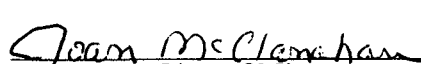
Passed on first reading:

Oct. 4, 2005


Mayor, City of Nitro

Passed on second reading:

Oct. 18, 2005


Recorder, City of Nitro

CERTIFICATE

I, Joan M. Clanchan, Recorder of the City of Nitro, West Virginia, do hereby certify that the attached is a true and correct copy of that certain Ordinance No. 05-09, duly filed and of record in the office of the Recorder of the City of Nitro, West Virginia, passed by the Council of the City of Nitro at the meeting held on Oct. 18, 2005, and further certify that said ordinance was passed by the Council of the City of Nitro by the following votes:

YEAS:

6

ABSENT:

(2)

Councilwoman at Large Hattie Estep
Councilman Mark Goodlee

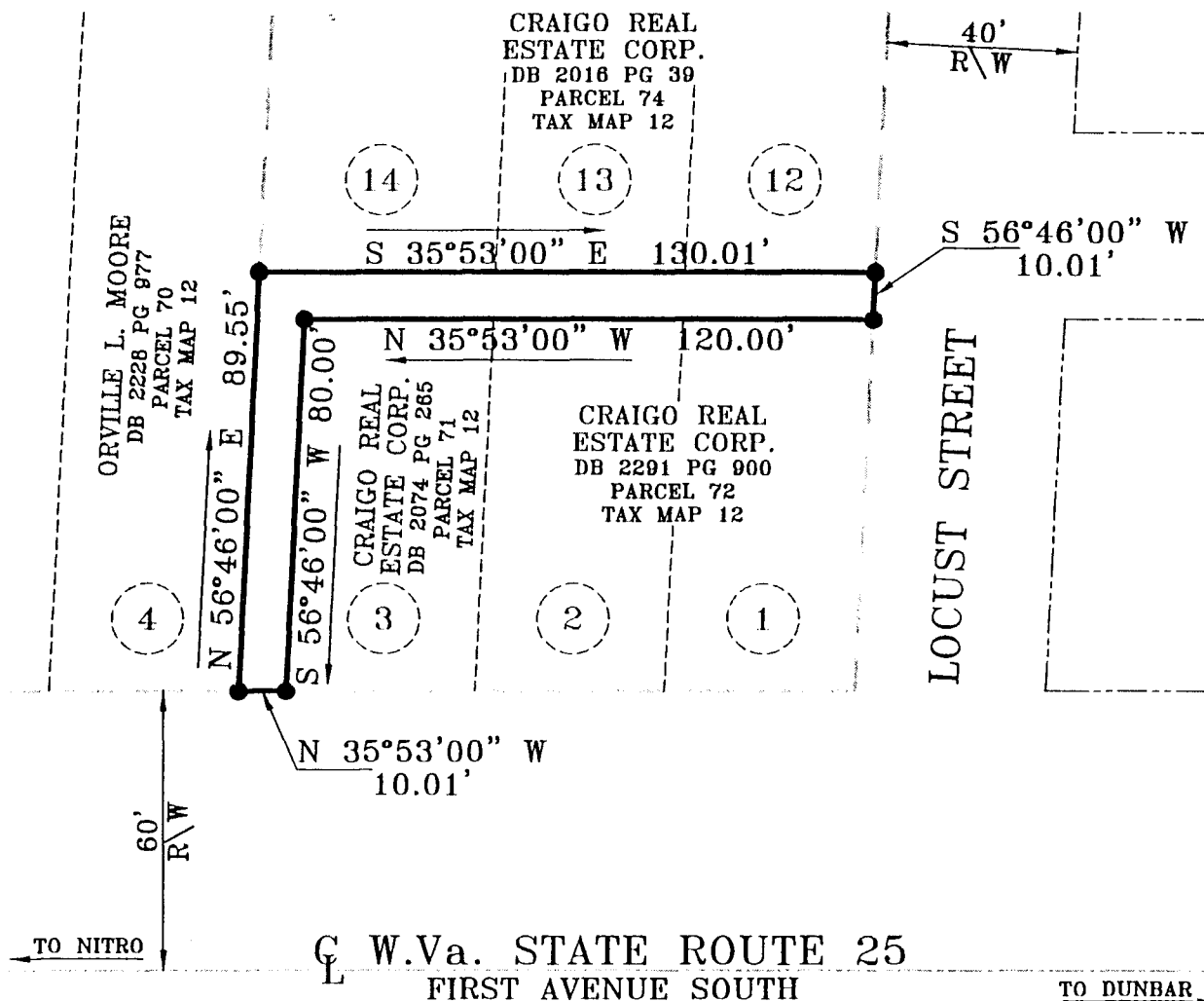
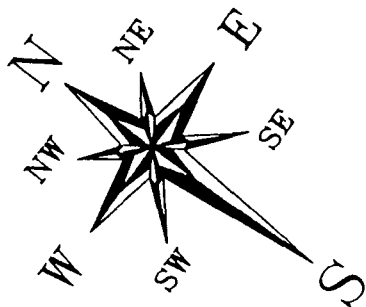
ABSTAINS:

0

Given under my hand and the official seal of the City of Nitro, West Virginia, this 19 day of Oct, 2005.

(Seal)

Joan M. Clanchan
Recorder of the City of Nitro



A PLAT SHOWING

A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN
THE CITY OF NITRO, KANAWHA COUNTY,
WEST VIRGINIA.

EXHIBIT

1

DONALD R. HAYES P.O.S. #902

SCALE: 1" = 40.00'

DECEMBER 19, 2001

GENERAL ACKNOWLEDGMENT

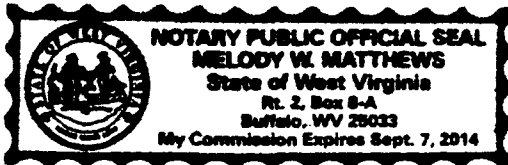
Craig Real Estate Corporation acknowledges that as a result of action taken by the City Council for the City of Nitro, West Virginia in abandoning a certain parcel of property, as referenced in Ordinance No. 05-09, Craig Real Estate Corporation has received the abandoned property as a result of owning property adjoining such abandoned property. Craig Real Estate Corporation hereby acknowledges that within thirty (30) days of the City of Nitro passing Ordinance No. 05-09, Craig Real Estate Corporation will submit proof of recordation of the Deed with the City Recorder for the City of Nitro. Craig Real Estate Corporation acknowledges that within one (1) year following the City of Nitro approving the abandonment of this parcel, Craig Real Estate Corporation will submit proof of payment of all applicable taxes associated with this parcel with the City Recorder for the City of Nitro. Craig Real Estate Corporation further acknowledges that, upon its failure to submit proof of recordation and/or proof of payment of taxes as stated above and within the time frames stated above, the City of Nitro may properly act to revoke the abandonment of this property and Craig Real Estate Corporation will bear all costs and fees associated with all actions taken by the City of Nitro in this matter, including attorney's fees and costs without reimbursement for improvements made thereon.

CRAIGO REAL ESTATE CORPORATIONBy: *Craig*Its: *[Signature]*9/20/05

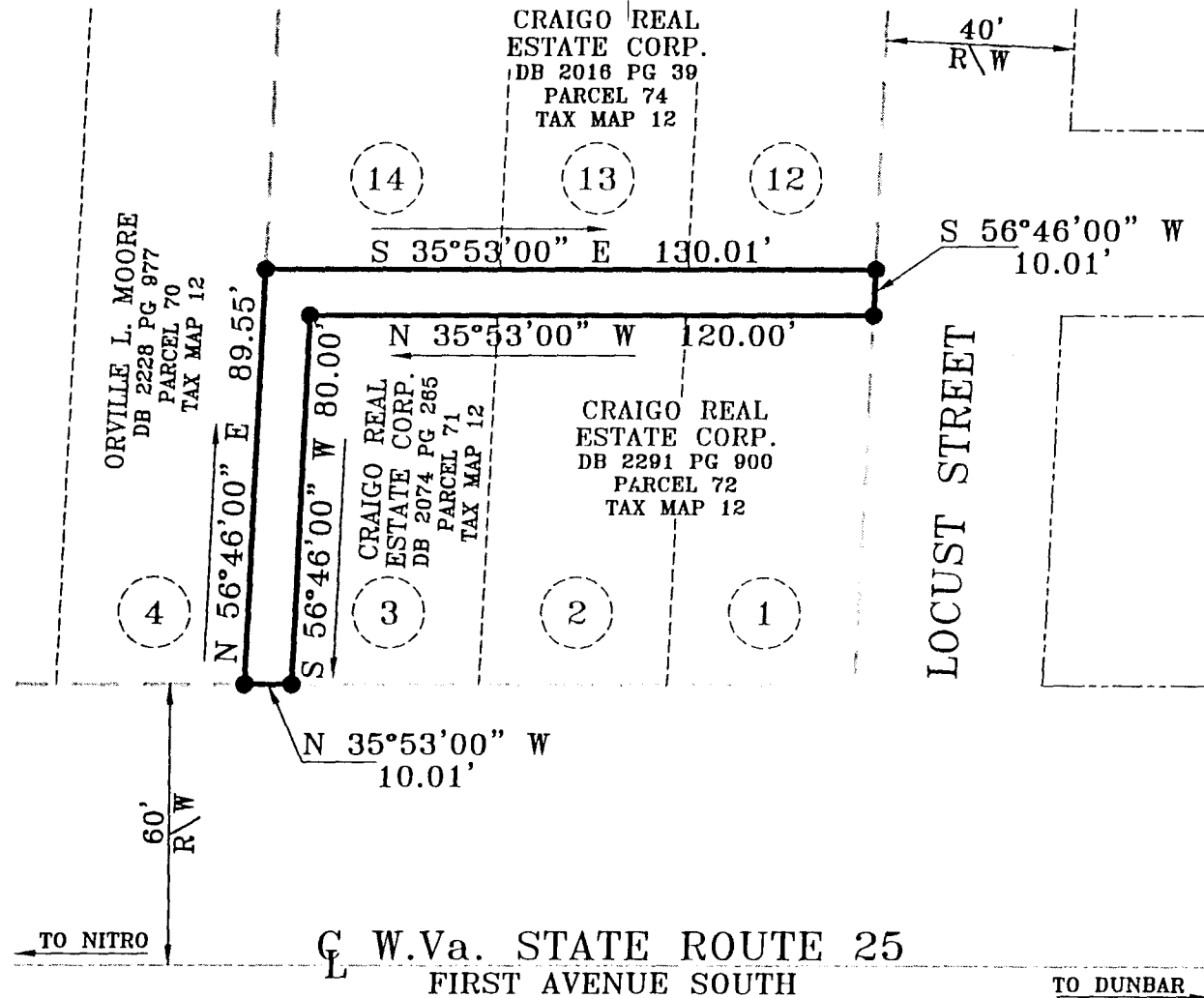
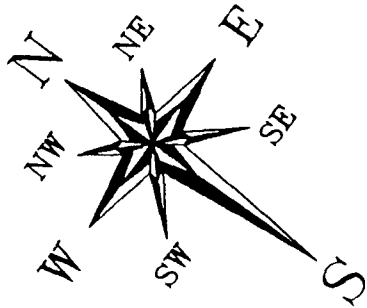
Date

Taken, subscribed and sworn to before the undersigned authority this 20th day of
September, 2005.

My commission expires September 7, 2014.

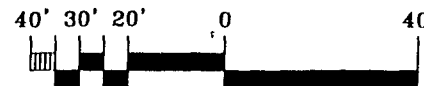


Melody W. Matthews
NOTARY PUBLIC



A PLAT SHOWING

A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN
THE CITY OF NITRO, KANAWHA COUNTY,
WEST VIRGINIA.



SCALE: 1" = 40.00'



CITY OF NITRO
COUNCIL MEETING MINUTES
OCTOBER 18, 2005

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwoman at Large Brenda Tyler, Councilman at Large Bill Clark, Councilmen A. A. "Joe" Savilla, Bill Racer and Tim Harrison. Also present was Attorney Troy Giatras. Absent were Councilwoman at Large Gertie Estep, Councilman Mark Goodall, and Treasurer Ralph Allison..

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: - Mayor Casto asked for a moment of silence in memory of Public Works Director A. J. Hill's wife who was recently killed in an automobile accident. Tom McDowell gave the invocation and Craig Culbertson led the Pledge of Allegiance.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MINUTES OF OCTOBER 4, 2005 BE APPROVED, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA. MOTION CARRIED.

AGENDA ITEM NO. 4 - REPORTS:

B. CITIZEN OF THE MONTH: - Mayor Casto recognized Councilwoman at Large Brenda Tyler and asked her to present the Citizen of the Month award for September to "Mom" Virginia Agee who is 100 years old. She was presented with a Bible cover and flag and received a big round of applause.

OCTOBER Citizens of the Month were Josh and Jon Culbertson. Josh and Jon are twins and play football at Nitro High School. Josh recently broke the State rushing record. City Recorder Joan McClanahan presented Josh with a plaque and Councilman A. A. "Joe" Savilla presented Jon with a plaque. Both were presented with two complimentary dinners at Diehls Restaurant.

A. KEMRON: - Chris Amick from Kemron and David Height from DNR reported the cleanup is virtually completed. DNR plans to build the boat ramp next spring. An agreement will be submitted to the City for review and after it is signed, there will be a Public Hearing probably in December. A question and answer session followed.

C. RECREATION COMMITTEE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She reported all the decorations around City Hall were strictly by donations and volunteers. A Halloween Party is scheduled October 31, 2005 from 6:00 p.m. until 9:00 p.m. The Veterans Day Parade is November 11, 2005. COUNCILWOMAN AT LARGE BRENDA TYLER MADE A MOTION TO APPROVE THE PARADE REQUEST, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. THE CHRISTMAS PARADE WILL BE HELD DECEMBER 3, 2005 AT 6:00 P.M. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE PARADE REQUEST BE

THIS DEED, Made this the 21st day of September, 2005, by and between **THE CITY OF NITRO**, a municipal corporation, hereinafter referred to as party of the first part, and **CRAIGO REAL ESTATE CORPORATION**, a West Virginia corporation, hereinafter referred to as party of the second part.

WHEREAS, by Ordinance No. 05-09, passed by the City Council of the City of Nitro on Oct. 18, 2005, the party of the first part abandoned and discontinued a 10.00' alley as the same is shown on that certain survey map, dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, a copy of which is attached hereto and incorporated herein by reference; and,

WHEREAS, by said Ordinance No. 05-09, the Mayor of the City of Nitro was directed to execute, acknowledge and deliver to the party of the second part, a Deed conveying all right, title and interest of the party of the first part in and to said 10.00' alley; and,

NOW THEREFORE WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations herein described, receipt and sufficiency of all of which are hereby acknowledged, the said party of the first part does hereby **GRANT** and **CONVEY** unto said party of the second part, all its right, title and interest in and to that certain 10.00' alley, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Kanawha County, West Virginia, being more particularly bounded and described as follows:

Beginning at an existing iron pipe in the eastern right-of-way line of W. Va. State Rt. 25 and being a corner to Lot 4 of Block "F" of North St. Albans Subdivision owned by Orville L. Moore, Deed Book 2228, Page 977; thence, N 56° 46' 00" E, 89.55', with said Moore's line to an existing iron pipe, a corner to Lot 14 of said subdivision owned by Craigo Real Estates Corporation, Deed Book 2016, Page 39; thence, S 35° 53' 00" E, 130.01', with said Craigo's land passing Lot 13 and with Lot 12 of said subdivision to an existing iron pipe, a corner to said lot 12 in the northern right-of-way line of Locust Street; thence, S 56° 46' 00" W, 10.01', with said Locust Street to an existing iron pipe, a corner to Lot 1 of said subdivision owned by Craigo Real Estate Corporation, Deed Book 2291, Page 900; thence, N 35° 53' 00" W, 120.00', with said Craigo's land and passing Lot 2 and with Lot 3 of said subdivision to an existing iron pipe, a corner to said Lot 3; thence, S 56° 46' 00" W, 80.00', with same to an existing iron pipe in said right-of-way line of Rt. 25; thence, N 35° 53' 00" W, 10.01', with said right-of-way to the point of beginning and containing 2100 square feet as the same is shown that certain survey map, dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, a copy of which is attached hereto and incorporated herein by reference, as shown on the copy of the said Ordinance No. 05-09, together with attachments attached hereto, which are incorporated herein by reference.

The party of the second part, by the acceptance and recording of this Deed, does herein agree to take possession of the subject property subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

The party of the first part herein does not, in any way, warrant the title of the property hereby conveyed.

DECLARATION OF CONSIDERATION OF VALUE: Under penalties of fine and imprisonment as provided by law, the party of the first part hereby declares that this conveyance is not subject to state excise tax on the privilege of transferring real property since the party of the first part is a political subdivision of the State of West Virginia.

IN WITNESS THEREOF, The City of Nitro has caused its name to be affixed hereto by its Mayor, duly authorized:

THE CITY OF NITRO

By: _____

Its: Mayor

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to wit:

I, _____, a Notary Public in and for the county and state aforesaid, do hereby certify that _____, whose name is signed to the foregoing writing bearing date the 21st day of September, 2005, for **THE CITY OF NITRO**, a municipal corporation, as its Mayor, has this day acknowledged the same to be the act of said corporation, before me in my said county and state.

Given under my hand and seal this _____ day of _____ 2005.

My commission expires: _____

NOTARY PUBLIC

Prepared By:

Lisa M. Moya
Attorney at Law
Gritt Law Offices
Middleton Place
19 Valley Street
Winfield, WV 25213

No title search was requested of or made by the foregoing attorney in connection with the preparation of this deed of conveyance. This deed was prepared based on information supplied by the parties. The preparer of this deed makes no warranty of representations concerning the accuracy of the information provided to her and makes no warranty or representations regarding the quality of the title to said real estate or its marketability.

GRANTED, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED. COUNCILMAN A. A. "JOE" SAVILLA MOVED TO APPROVE THE PARADE REQUEST FOR THE NITRO HIGH SCHOOL HOMECOMING, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

Councilwoman at Large Brenda Tyler announced that the sign-up date for Christmas Baskets will be Saturday October 22, 2005 at St. Paul Methodist Church from 8:00 a.m. to 12:00 noon.

Saturday, October 29, 2005 the Nitro Car Club will sponsor a cruise in at McDonalds with proceeds going to help with Christmas food baskets.

Councilwoman at Large Brenda Tyler announced there would be a Recreation Committee meeting Thursday, October 20, 2005 at 7:00 p.m. in Council Chambers.

Councilman A. A. "Joe" Savilla announced there would be an Annexation Committee Meeting immediately following the Recreation Committee Thursday.

D. CITY OF NITRO - LEGAL ISSUES: - City Attorney Troy Giatras said we need to have the second reading of Ordinance on the Craigo petition for abandonment. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED FOR THE READING OF ORDINANCE BY TITLE ONLY, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. CITY ATTORNEY TROY GIATRAS READ TITLE OF ORDINANCE "AN ORDINANCE TO ABANDON AN ALLEY SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AS THE SAME IS SHOWN ON THAT CERTAIN SURVEY MAP, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, MARKED AS "EXHIBIT 1", DATED DECEMBER 19, 2001, ENTITLED "A PLAT SHOWING A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, "SCALE 1" PREPARED BY DONALD R HAYES. P.L.S #902. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED FOR THE APPROVAL OF ORDINANCE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

ORDINANCE 05-09 ATTACHED.

Mayor Casto advised that a person is wanting to build a house at the end of Brookhaven where there is a moratorium in place. Mr. Giatras advised that it is outlined in the Ordinance the exact procedure that must be followed.

City Attorney Giatras said he had prepared some drafts for the Carriage Way Subdivision as requested by Councilman A. A. "Joe" Savilla

E. CITY CALENDAR BIDS: - Mayor Casto yielded the floor to Recorder Joan McClanahan. She advised we received two bids. The first bid opened by Councilwoman at Large Brenda Tyler from The Printing Press, Ltd from Charleston placed a bid of \$4,659.00. The

second bid from Harless Printing Co., Inc. from St. Albans was opened by Councilman at Large Bill Clark for the amount of \$9,388.07. COUNCILMAN A. A. 'JOE' SAVILLA MADE A MOTION THAT THE MAYOR AND OTHERS AT CITY HALL REVIEW THE BIDS AND MAKE THE DECISION, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 5 - OLD BUSINESS - NONE

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. Purchase of Flag Poles for City Hall - Tiffany Terry reported the flag poles are in and should be up by Veterans Day

B. Appoint "Brownfields" Committee: - Mayor Casto advised that Councilman Tim Harrison requested to be appointed Chairman of the "Brownfields" Committee. Councilman Tim Harrison said he would name his committee members and report back. COUNCILMAN A. A. "JOE" SAVILLA MOVED COUNCILMAN TIM HARRISON BE APPOINTED CHAIRMAN OF THE "BROWNFIELDS" COMMITTEE, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

C. Appoint "Beautification" Committee: - COUNCILMAN TIM HARRISON MOVED TO APPOINT MAYOR CASTO CHAIRMAN OF THE BEAUTIFICATION COMMITTEE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK. MOTION CARRIED. Mayor Casto said he would bring the members back to the Council at the next meeting.

D. Salary Adjustment: - Building Department/Code Enforcement: Mayor Casto yielded the floor to Tiffany Terry. She announced that the employee transferred from the Pool to the Building Department has been given a salary increase to \$6.50 per hour.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS: - A gentleman asked what is Brownfields program, and Councilman Tim Harrison advised that the program was setup to apply for grants to redevelop specified parcels of land for reclamation.

AGENDA ITEM NO. 8 - ANNOUNCEMENTS: -

A. City of Nitro Surplus Auction - Mayor Casto announced the City Surplus Auction will be held Saturday, October 29, 2005 starting at 9:00 a.m.

B. City Halloween Party - Mayor Casto reiterated that the Halloween Party for the City will be Monday, October 31, 2005 from 6:00 p.m. to 9:00 p.m.

AGENDA ITEM NO. 9 - ESTABLISHMENT OF MEETING DATES:

A. Mayor Casto announced the next regularly scheduled Council Meeting is November 1, 2005.

B. Mayor Casto announced the second meeting in November will be Tuesday, November 15, 2005.

Mayor Casto announced that he obtained tickets for members of Council for the Open House at the Fifth Third Bank, Thursday, at 5:30 p.m. Former baseball great, Johnny Bench will be guest of honor. Mayor Casto is preparing a proclamation declaring October 20, "JOHNNY BENCH DAY IN THE CITY OF NITRO". COUNCILMAN A. A. "JOE" SAVILLA MOVED OCTOBER 20, 2005 BE JOHNNY BENCH DAY IN THE CITY OF NITRO, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO 10 - PUBLIC FORUM: - Mayor Casto yielded to Councilman Tim Harrison. Councilman Tim Harrison read a letter from Chief Jack Jordan commending Sgt. J. J Savilla and asked that it be made a part of the minutes. COUNCILMAN TIM HARRISON MOVED THE LETTER BE MADE A PART OF THE OFFICIAL RECORD, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

COPY ATTACHED.

Councilman A. A. "Joe" Savilla encouraged everyone to attend the Halloween party.

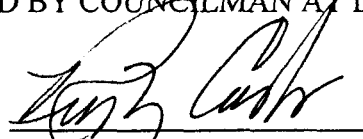
Councilman at Large Bill Clark read a letter from Kathleen Reeves commending the Medical Technicians coming to her rescue July 4, 2005. She asked for the names of the gentlemen treating her so that she could thank them for a job well done. Councilman A. A. "Joe" Savilla advised this was made a part of previous minutes. Councilman Clark said he would give a copy of this letter to Captain Ronnie King so that he could furnish her the information requested.

Councilwoman at Large Brenda Tyler wanted to personally thank Al and Thelma Walls for the hard work done on the decorations. They received a big round of applause.

Councilwoman at Large Brenda Tyler asked Mrs. Fritz if she would present to Council at their November 1, meeting with any information she has that gives her reason for concern because she could not find anything to document Mrs. Fritz's concerns. Mrs. Fritz answered that she could tell her where to find it. She said go to the Nextel folder in Accounts Payable and payroll. The last statement Mr. Allison put in the newspaper in the expenditure/ expense list the \$38,000.00 expenditure does not show up. Also, there are two checks to IVS that doesn't show up. Councilwoman Tyler asked Ms Terry if she had an explanation, and Ms Terry replied that she didn't at this time. Councilwoman Tyler said she took Mrs. Fritz's concerns very seriously.

City Recorder Joan McClanahan informed that the City advertised for bids for sump pumps and the City received no bids. However, due to the death of A J. 's wife, there was no one available to answer questions regarding the specifications. She asked if Council wanted to reprint the bid advertisement. CITY RECORDER JOAN MCCLANAHAN MOVED WE REPUBLISH THE ADVERTISEMENT FOR BIDS, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

THERE BEING NO FURTHER BUSINESS, COUNCILMAN A. A. "JOE" SAVILLA
MOVED THE MEETING ADJOURN, SECONDED BY COUNCILMAN AT LARGE BILL
CLARK AND WAS CARRIED



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

CITY OF NITRO, WEST VIRGINIA

ORDINANCE NO. 05-09

AN ORDINANCE TO ABANDON AN ALLEY SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AS THE SAME IS SHOWN ON THAT CERTAIN SURVEY MAP, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, MARKED AS "EXHIBIT 1", DATED DECEMBER 19, 2001, ENTITLED "A PLAT SHOWING A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA," SCALE 1" = 40.00', PREPARED BY DONALD R. HAYES, P.L.S. #902.

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

WHEREAS, a 10.00' alley as the same is shown on that certain survey map, a copy of which is attached hereto and incorporated herein by reference, marked as "Exhibit 1", dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, is not utilized by the public of the City of Nitro; and

WHEREAS, an abutting property owner to the said 10.00' alley, Craigo Real Estate Corporation, a West Virginia corporation, has petitioned and requested that said 10.00' alley be abandoned to Craigo Real Estate; and

WHEREAS, on May 12, 2005, a public hearing was held before the Planning Commission for the City of Nitro for the purpose of discussing the abandonment of the said 10.00' alley and no one objected to the abandonment; thus, the Planning Commission for the City of Nitro approved the request of Craigo Real Estate Corporation to abandon said 10.00' alley; and

WHEREAS, at two (2) regularly called City Council meetings, City Council for the City of Nitro approved the motion for approval of the aforesaid request for abandonment of said 10.00' alley and on June 7, 2005, at a regularly called City Council meeting, the City of Nitro, approved the minutes of the May 17, 2005 meeting and thus finalized the approval of said abandonment; and

NOW THEREFORE, be it ORDERED by Council of the City of Nitro, West Virginia that the said 10.00' alley, as shown on that certain survey map, a copy of which is attached hereto and incorporated herein by reference, marked as "Exhibit 1", dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, is hereby closed, abandoned and discontinued.

Craigo Real Estate Corporation takes possession of said 10.00' alley subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

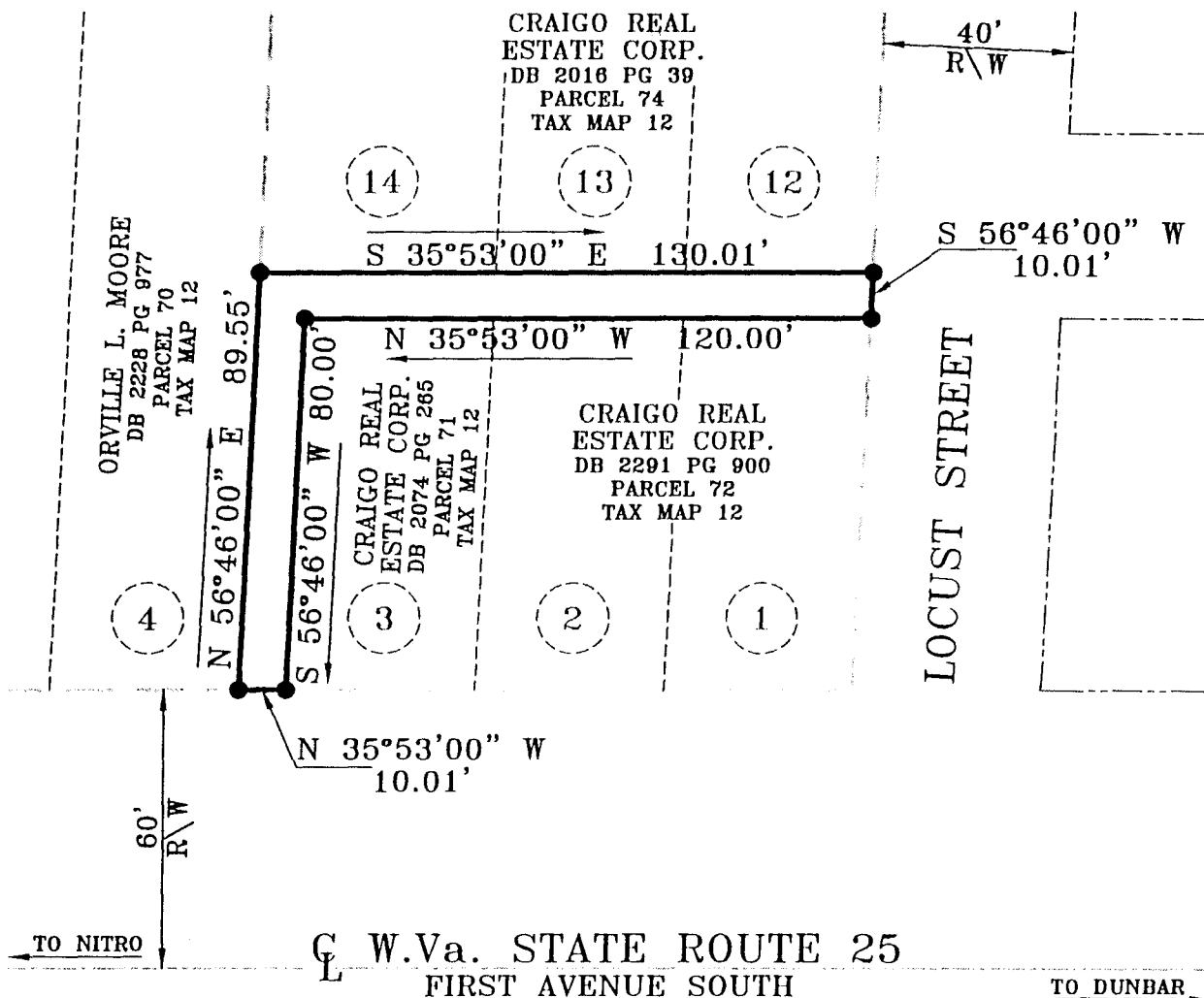
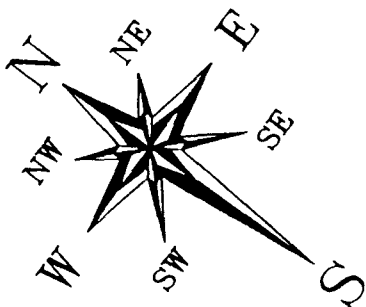
The City of Nitro does not, in any way, warrant the title of the subject property conveyed.

The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying all right, title and interest in and to said 10.00' alley to said abutting property owner, Craigo Real Estate Corporation.

All ordinances, or part of ordinances, inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Passed on first reading: OCTOBER 4, 2005 [Signature]
Mayor, City of Nitro

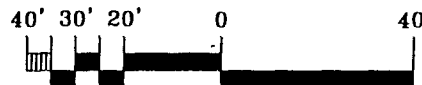
Passed on second reading: OCTOBER 18, 2005 [Signature]
Recorder, City of Nitro



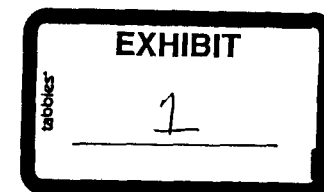
A SURVEY OF A 10.00' ALLEY, BEING SITUATE IN
THE CITY OF NITRO, KANAWHA COUNTY,
WEST VIRGINIA.



DONALD R. HAYES P.O.S. #902



SCALE: 1" = 40.00'



DECEMBER 19, 2001

CERTIFICATE

I, Jean McClanahan, Recorder of the City of Nitro, West Virginia, do hereby certify that the attached is a true and correct copy of that certain Ordinance No. 05-09, duly filed and of record in the office of the Recorder of the City of Nitro, West Virginia, passed by the Council of the City of Nitro at the meeting held on October 18, 2005, and further certify that said ordinance was passed by the Council of the City of Nitro by the following votes:

YEAS:

6

ABSENT:

2

ABSTAINS:

0

Given under my hand and the official seal of the City of Nitro, West Virginia, this 19 day of October, 2005.

(Seal)

Jean McClanahan
Recorder of the City of Nitro

GENERAL ACKNOWLEDGMENT

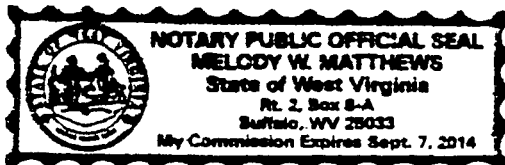
Craig Real Estate Corporation acknowledges that as a result of action taken by the City Council for the City of Nitro, West Virginia in abandoning a certain parcel of property, as referenced in Ordinance No. 05-09, Craig Real Estate Corporation has received the abandoned property as a result of owning property adjoining such abandoned property. Craig Real Estate Corporation hereby acknowledges that within thirty (30) days of the City of Nitro passing Ordinance No. 05-09, Craig Real Estate Corporation will submit proof of recordation of the Deed with the City Recorder for the City of Nitro. Craig Real Estate Corporation acknowledges that within one (1) year following the City of Nitro approving the abandonment of this parcel, Craig Real Estate Corporation will submit proof of payment of all applicable taxes associated with this parcel with the City Recorder for the City of Nitro. Craig Real Estate Corporation further acknowledges that, upon its failure to submit proof of recordation and/or proof of payment of taxes as stated above and within the time frames stated above, the City of Nitro may properly act to revoke the abandonment of this property and Craig Real Estate Corporation will bear all costs and fees associated with all actions taken by the City of Nitro in this matter, including attorney's fees and costs without reimbursement for improvements made thereon.

CRAIGO REAL ESTATE CORPORATIONBy: *Craig Craig*Its: *[Signature]*9/20/05

Date

Taken, subscribed and sworn to before the undersigned authority this 20th day of
September, 2005.

My commission expires September 7, 2014.



Melody W. Matthews
NOTARY PUBLIC

THIS DEED, Made this the 21st day of September, 2005, by and between **THE CITY OF NITRO**, a municipal corporation, hereinafter referred to as party of the first part, and **CRAIGO REAL ESTATE CORPORATION**, a West Virginia corporation, hereinafter referred to as party of the second part.

WHEREAS, by Ordinance No. 05-09, passed by the City Council of the City of Nitro on October 18, 2005, the party of the first part abandoned and discontinued a 10.00' alley as the same is shown on that certain survey map, dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, a copy of which is attached hereto and incorporated herein by reference; and,

WHEREAS, by said Ordinance No. 05-09, the Mayor of the City of Nitro was directed to execute, acknowledge and deliver to the party of the second part, a Deed conveying all right, title and interest of the party of the first part in and to said 10.00' alley; and,

NOW THEREFORE WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations herein described, receipt and sufficiency of all of which are hereby acknowledged, the said party of the first part does hereby **GRANT** and **CONVEY** unto said party of the second part, all its right, title and interest in and to that certain 10.00' alley, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Nitro, Kanawha County, West Virginia, being more particularly bounded and described as follows:

Beginning at an existing iron pipe in the eastern right-of-way line of W. Va. State Rt. 25 and being a corner to Lot 4 of Block "F" of North St. Albans Subdivision owned by Orville L. Moore, Deed Book 2228, Page 977; thence, N 56° 46' 00" E, 89.55', with said Moore's line to an existing iron pipe, a corner to Lot 14 of said subdivision owned by Craig Real Estates Corporation, Deed Book 2016, Page 39; thence, S 35° 53' 00" E, 130.01', with said Craig's land passing Lot 13 and with Lot 12 of said subdivision to an existing iron pipe, a corner to said lot 12 in the northern right-of-way line of Locust Street; thence, S 56° 46' 00" W, 10.01', with said Locust Street to an existing iron pipe, a corner to Lot 1 of said subdivision owned by Craig Real Estate Corporation, Deed Book 2291, Page 900; thence, N 35° 53' 00" W, 120.00', with said Craig's land and passing Lot 2 and with Lot 3 of said subdivision to an existing iron pipe, a corner to said Lot 3; thence, S 56° 46' 00" W, 80.00', with same to an existing iron pipe in said right-of-way line of Rt. 25; thence, N 35° 53' 00" W, 10.01', with said right-of-way to the point of beginning and containing 2100 square feet as the same is shown that certain survey map, dated December 19, 2001, entitled "A Plat Showing a Survey of a 10.00' Alley, Being Situate in the City of Nitro, Kanawha County, West Virginia," Scale 1" = 40.00', prepared by Donald R. Hayes, P.L.S. #902, a copy of which is attached hereto and incorporated herein by reference, as shown on the copy of the said Ordinance No. 05-09, together with attachments attached hereto, which are incorporated herein by reference.

The party of the second part, by the acceptance and recording of this Deed, does herein agree to take possession of the subject property subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

The party of the first part herein does not, in any way, warrant the title of the property hereby conveyed.

DECLARATION OF CONSIDERATION OF VALUE: Under penalties of fine and imprisonment as provided by law, the party of the first part hereby declares that this conveyance is not subject to state excise tax on the privilege of transferring real property since the party of the first part is a political subdivision of the State of West Virginia.

IN WITNESS THEREOF, The City of Nitro has caused its name to be affixed hereto by its Mayor, duly authorized:

THE CITY OF NITRO

By: _____

Its: Mayor

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to wit:

I, _____, a Notary Public in and for the county and state aforesaid, do hereby certify that _____, whose name is signed to the foregoing writing bearing date the 21st day of September, 2005, for **THE CITY OF NITRO**, a municipal corporation, as its Mayor, has this day acknowledged the same to be the act of said corporation, before me in my said county and state.

Given under my hand and seal this _____ day of _____ 2005.

My commission expires: _____

NOTARY PUBLIC

Prepared By:

Lisa M. Moye
Attorney at Law
Gritt Law Offices
Middleton Place
19 Valley Street
Winfield, WV 25213

No title search was requested of or made by the foregoing attorney in connection with the preparation of this deed of conveyance. This deed was prepared based on information supplied by the parties. The preparer of this deed makes no warranty of representations concerning the accuracy of the information provided to her and makes no warranty or representations regarding the quality of the title to said real estate or its marketability.



Mayor Rusty Casto
(304) 755-0705

NITRO POLICE DEPARTMENT

"To Serve and Protect"

(304) 755-0777
(304) 755-7472 (FAX)



Chief J. A. Jordan
(304) 755-0777

October 12, 2005

Sgt. J. J. Savilla
C/O Nitro Police Department
20th Street and 2nd Avenue
Nitro, WV 25143

Dear Sgt. Savilla:

My office received notification that you were nominated and selected for an award for your participation in the "POWDERKEG" OCDETF case. John Frail, Assistant United States Attorney, nominated you for this recognition and honor.

It is with a great deal of honor and pride that I read this type of correspondence. I know the level of professionalism and dedication that exist within our department, and you have helped to exemplify this through your recent actions. Your contribution to this case is a reflection on the entire Nitro Police Department.

I congratulate you on this honor, and encourage you to maintain at all times the same level of performance as was given in this case. It is reassuring to know the level of expertise and job knowledge which is within our department.

Sincerely,

Chief Jack A. Jordan

XC: Mayor Casto
File

CITY OF NITRO
COUNCIL MEETING MINUTES

NOVEMBER 1, 2005

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Rusty Casto called the Council Meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep, Brenda Tyler and Councilman Bill Clark. Councilmen A. A. "Joe" Savilla, Bill Racer and Tim Harrison. Absent were City Attorney Troy Giatras and Treasurer Ralph Allison. Also present was Mark French representing Troy Giatras.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: - COUNCILMAN TIM HARRISON GAVE THE INVOCATION, AND COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE OCTOBER 18, 2005 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN BILL RACER AND WAS CARRIED.

AGENDA ITEM NO. 4 - REPORTS:

A. BROWNSFIELD COMMITTEE: - Mayor Casto yielded the floor to Councilman Tim Harrison. Councilman Tim Harrison, Chairman of the Committee, named Councilmen Clark, Savilla and Racer to the committee. Also Mayor Casto and Dawn Sieburg will be members. He advised that there is a lot of information that needs to be compiled and the application must be filed by December 14, 2005. The Committee plans to start meeting next week.

B. BEAUTIFICATION COMMITTEE - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She reported that the Committee had a clean-up project last Saturday, and invited anyone that would be interested in joining the committee contact Mr. Walls, Debbie Jordan or herself. Mr. Walls is chairman of this committee Chairman Walls suggested we pass a law defining "junk". COUNCILMAN A. A. "JOE" SAVILLA MOVED THAT WE HAVE THE CITY ATTORNEY CHECK WITH OTHER CITIES AND DRAFT AN ORDINANCE FOR OUR REVIEW, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

C. RECREATION COMMITTEE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler, Chairman of the Recreation Committee. She reported the party for Halloween was a success. There were 4,000 to 5,000 in attendance and everything was free to everyone. She read letters from the Nitro

Woman's Club and Dave and Sandy Stewart commending the City for this wonderful event. Councilwoman at Large Brenda Tyler requested a meeting of the Recreation Committee immediately following this meeting.

D. CITY OF NITRO LEGAL ISSUES: - Mayor Casto yielded the floor to Mark French, Attorney. Mr. French reported that we still haven't had any response to our request for documentation of the ownership of the tank in front of the War Museum.

Mr. French said we have received a much better and more definitive report on the Statewide law suit and the street flooding issue which will enable us to move forward.

E. POLICE DEPARTMENT: - Mayor Casto yielded the floor to Tifney Terry. She asked Mayor Casto to table this item until the next meeting. At that time she will present the September and October reports.

F. FIRE DEPARTMENT: - Mayor Casto reported that the report from the Fire Department was in Councils' packet, and they ran 176 calls from the first of September until the middle of October.

G. CITY CALENDAR: - Tifney Terry stated that the bid went to the Printing Press, Ltd. Of Charleston with the lowest bid of \$4,659.00., and we should receive them by the deadline.

AGENDA ITEM NO. 5 - OLD BUSINESS: NONE

AGENDA ITEM NO. 6 - NEW BUSINESS: -

1. APPROVAL OF BILLS FOR OCT. 2005 - Tifney Terry advised that the expenditures for the month of October was \$233,000.00.

2. CITY OF NITRO WEB SITE: - Tifney Terry introduced Jason Lucas from Kanawha Design. Information was furnished to Council about design cost. The grand total of complete design, hosting and maintenance for the first twelve months is \$1,300.00. Ms Terry described everything that would be available on the web site. COUNCILMAN AT LARGE BILL CLARK MOVED TO GO FORWARD WITH THE PROPOSAL FOR THE WEB SITE, SECONDED BY CITY RECORDER JOAN MCCLANAHAN AND WAS CARRIED.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS: - Mayor Casto reported that Mark Goodall has moved out of town and resigned from his ward seat. He said he would talk with Council to see if they had anyone to suggest for replacement.

Mayor Casto announced Chris Fulmer, a football player from Nitro High School, was Citizen of the Month and will be at the next council meeting.

AGENDA ITEM NO. 8 - ANNOUNCEMENTS:-

Councilman Tim Harrison commended the Nitro High School football team on their win last Friday night. In regard to the Brownsfield Committee, he invited anyone to attend. It is really important to the City of Nitro.

Councilman Bill Racer said the Nitro High School wasn't ranked number one, but they beat the number one team.

Councilman A. A. "Joe" Savilla said the football team of Nitro High School is a team which makes us proud. Councilman Savilla said he wanted to schedule an Annexation Committee Meeting in Council Chambers next Tuesday at 7:30 p.m.

Councilwoman at Large Gertie Estep said Paul McClanahan, Principal of Nitro High School was over to the Nitro Senior Center yesterday and invited the seniors and anybody that would like to come to the Thanksgiving luncheon at the high school next Monday at 10:00 a.m. She also thanked Bob Schamber for the nice calendars he gave council.

Councilman at Large Bill Clark agreed with Councilmen Harrison and Savilla about the Nitro football team. He complimented the volunteers on a job well done at the Halloween party.

At the last meeting, Councilwoman at Large Brenda Tyler asked Karen Fritz to furnish Council at the November 1, council meeting with any information that gives her reason for concern. Councilwoman Tyler read a letter dated November 1, 2005 in which Mrs. Fritz declined to appear before Council with the requested information but it would be available at her next Citizens Group Meeting November 7, at 6:00 p.m. in the LKM Auditorium. Councilwoman Tyler said this answers any questions she (Mrs. Tyler) may have. She hasn't found anything wrong. Councilwoman Tyler said Tiffany Terry had records available tonight for review.

Mayor Casto asked if anyone in the audience wanted to address Council. Mrs. Karen Fritz said there are still some questions and she does have documentation but she is afraid of speaking here tonight because at the last meeting, she was almost thrown out.

Bob Schamber a resident of Nitro, said he was very appreciative on all that is being done in Nitro. He said he would like to help more, but was unable to due to his wife's illness. He donated \$1,000.00 to the City of Nitro to cover some of their expenses. He also said he was donating \$1,000.00 to the Nitro Seniors. He also complimented the Nitro Police Department. Mr. Schamber received a big round of applause.

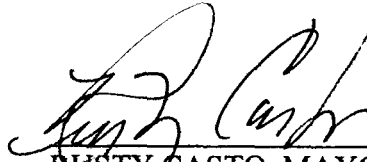
Mayor Casto yielded the floor to Littlewind. Littlewind, a resident of 12 Short Street, asked the Mayor what she could do to get a ditch by her property cleaned. Mayor Casto said he would check with A. J. Hill, Public Works Director, to see what can be done.

Linda Canterbury said her neighbors were upset about the condition of the pavement that runs by the Pottery Shop. She said there was money allocated in the budget for paving. Mayor Casto said he has applied for grants, and Councilwoman Tyler said we can only pave as the money comes in.

AGENDA ITEM NO. 9: ESTABLISHMENT OF MEETING DATES: - The next scheduled meeting dates are Tuesday, November 15, and Tuesday, December 6, 2005 at 7:30 p.m

Councilman A. A. "Joe" Savilla asked the amount of the cost difference of the calendar bids, and Mayor Casto replied it was about \$5,000.

THERE BEING NO FURTHER BUSINESS, COUNCILMAN A. A. "JOE" SAVILLA MOVED 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

NOVEMBER 15, 2005

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 p.m. Present were City Recorder Joan McClanahan, Councilwomen at Large Gertie Estep, Brenda Tyler and Councilman at Large Bill Clark, Councilmen A. A."Joe" Savilla, Bill Racer and Tim Harrison. Also present were Treasurer Tifney Terry and Mark French representing Troy Giatras. Ward IV seat is vacant.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: -Mayor Casto yielded the floor to Pastor John Rawlings. He read a proclamation declaring "Christian Heritage Week in Nitro" during the week of November 20th thru November 26th, 2005. Mayor Casto signed the proclamation. PASTOR RAWLING GAVE THE INVOCATION AND COUNCILMAN BILL RACER LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: - COUNCILWOMAN AT LARGE GERTIE ESTEP MOVED THE NOVEMBER 1, 2005 COUNCIL MEETING MINUTES BE APPROVED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

AGENDA ITEM NO. 4: - REPORTS:

A. CITIZEN OF THE MONTH - Mayor Casto said we will come back to this agenda item as the person is not present at this time.

B. FINANCIAL REPORT: - Treasurer Tifney Terry supplied Council copies of financial records in response to information passed out at a Citizens Informational Meeting. She explained that the information presented was false or misleading.

C. BROWNSFIELD COMMITTEE - Mayor Casto called on Councilman Harrison, Chairman of the Brownsfield committee. Councilman Harrison said he would like to schedule a meeting Wednesday, November 16, 2005 at 7:30 p.m. to move forward on the grant process. Ms Dawn Sieburg and Mark Ward, an environment attorney and involved with the Brownsfield's work will be present. He encouraged everyone to attend the meeting. He also advised there was another meeting scheduled November 29, at 7:30 p.m.

D. BEAUTIFICATION COMMITTEE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler. She reported they have been cleaning various locations around the City. Councilwoman Tyler said the Christmas pole decorations were in deplorable condition and have been discarded. A fund has been started to purchase new decorations. She asked that 100 people donate \$100.00 each. A dinner is being planned for the employees December 1, at 7:00 p.m. at St. Paul's United Methodist Church. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE CITY DONATE \$750.00 TO PURCHASE FOOD

FOR THIS EVENT, MOTION SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. She reminded everyone of the Christmas parade December 3, 2005 at 6:00 p.m.

E. RECREATION COMMITTEE: This item was addressed under Item D.

At this time, Mayor Casto announced the arrival of the Citizen of the Month recipient.. Mayor Casto yielded the floor to Councilman A. A. "Joe" Savilla. Councilman Savilla introduced Chris Fulmer, an outstanding football player of Nitro High School, as citizen of the month for November. Chris received a big round of applause. Mayor Casto presented him a plaque and two dinners at Diehls Restaurant. City Recorder presented Catie Culbertson, team mother, a plaque and Mayor Casto also presented her two certificates for dinner at Diehls..

F. CITY OF NITRO - LEGAL ISSUES: - Mayor Casto yielded the floor to Attorney French. Mr. French said they have worked on several projects, but nothing to report tonight.

G. POLICE DEPARTMENT: - Reports were passed out to members of Council.

AGENDA ITEM 5 - OLD BUSINESS: -

A. SUMP PUMP BIDS: - Mayor Casto yielded the floor to City Recorder Joan McClanahan. She informed that this was the second time this item was put out for bid and still none received.. Mayor Casto asked if we could consider this an emergency and Attorney Mark French said he would research this and get back with him as soon as possible. Mayor Casto said they would address this at the next Council Meeting.

AGENDA ITEM NO. 6: - NEW BUSINESS: -

A. MUNICIPAL SERVICE - BRING BACK PROCESS OF MUNICIPAL SERVICE PAYMENTS TO CITY HALL: - Mayor Casto yielded the floor to Tifney Terry. Ms Terry said we are in a position to bring back municipal service processing to City Hall and needs approval to purchase equipment necessary to get it going. The equipment would be purchased from the party presently doing the billing and is relatively new at a cost of a little over \$4,000.00. CITY RECORDER JOAN MCCLANAHAN MOVED FOR THE APPROVAL TO PURCHASE THE EQUIPMENT NECESSARY TO PROCESS MUNICIPAL SERVICE PAYMENTS IN CITY HALL, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED. Ms Terry advised that this would be a considerable savings to the city.

B. MOTORCYCLE RIDE THROUGH NITRO: - Mayor Casto yielded the floor to Councilman A. A. "Joe" Savilla. COUNCILMAN A. A. 'JOE' SAVILLA MOVED THE DAGGER'S 19TH ANNUAL MOTORCYCLE TOY RUN BE APPROVED FOR SATURDAY, DECEMBER 10, 2005, AND ENTER THE LETTERS FROM THE SALVATION ARMY AND JIM DAGOSTINE INTO THE MINUTES, SECONDED BY COUNCILMAN AT LARGE

BILL CLARK AND WAS CARRIED.. The parade will come through Nitro and will benefit the Salvation Army toy drive.

COPY OF LETTERS ATTACHED.

C. CHARTER COMMITTEE: - Mayor Casto yielded the floor to Councilwoman at Large Brenda Tyler COUNCILWOMAN TYLER ADVISED THAT WE NEED TO UPDATE OUR CHARTER AND MOVED THE MAYOR APPOINT A COMMITTEE TO LOOK AT REVISIONS OF THE CITY CHARTER, SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED. MAYOR CASTO SAID HE WOULD APPOINT A COMMITTEE AT THE FIRST MEETING IN DECEMBER.

D. PURCHASE OF SPREADER FOR PUBLIC WORKS: - Mayor Casto yielded to Treasurer Tifney Terry. Ms Terry advised that the Director of Public Works A. J. Hill reported to her that the salt spreader is broken and obsolete. Ms Terry stated it would be more economical to purchase a new spreader for the purchase price of \$3,700.00 installed. COUNCILMAN A. A. "JOE" SAVILLA MOVED FOR THE APPROVAL OF THE PURCHASE, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED. A lady in the audience said that the postal service on Corridor G has two new spreaders they may be willing to donate. She will meet with Ms Terry and they will check on this. COUNCILMAN A. A. "JOE" SAVILLA MOVED WE SUSPEND THE PREVIOUS MOTION AND TABLE UNTIL WE DETERMINE IF THE SPREADER IS COMPATIBLE WITH OUR EQUIPMENT.

E. APPROVE MONITORING AND EMERGENCY ACTION PLAN AND MAINTENANCE PLAN FOR BLAKES - ARMOUR CREEK SITE 37 ID#WV-03909 Mayor Casto yielded to Building Inspector Bryan Casto. Mr. Casto distributed copies of the Monitoring and Emergency Action Plan and Maintenance Plan for Blakes - Armour Creek Site #7 IDWV-03909 and asked they review the information for approval. COUNCILMAN A. A. "JOE" SAVILLA MOVED THAT COUNCIL REVIEW THE PLAN AND VOTE ON IT AT THE NEXT COUNCIL MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.

F. REQUEST FROM STEVE CRINER ASKING FOR CITY TO APPROACH NDA REGARDING AN "OPEN MIKE NIGHT" AT THE NITRO COMMUNITY CENTER. Mayor Casto yielded to Councilwoman at Large Brenda Tyler who advised she had a request from Steve Criner to approach NDA to see if they would approve an "open mike night" for individuals or groups to come and entertain. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED SHE APPROACH THE NDA FOR APPROVAL OF "OPEN MIKE NIGHT", SECONDED BY COUNCILMAN A. A. "JOE" SAVILLA AND WAS CARRIED.

G. REPLACEMENT FOR OPEN 4TH WARD COUNCIL SEAT: - Councilwoman at Large Gertie Estep nominated David Casebolt and read a letter listing his accomplishments and contributions to the City. Councilwoman at Large Brenda Tyler recommended Mr. Bill Javins for this position. Mayor Casto said Frank Grover would also like to be considered for Council, and Councilman Tim Harrison said that Ron Hoffman was present

and had given members of Council a copy of his resume. Mayor Casto asked the Attorney to check on the proper procedure for the replacement of the vacancy. Mayor Casto said we would vote on the candidates at the first meeting in December.

H. Salary Adjustment(s) - City Hall - Mayor Casto yielded the floor to Tifney Terry. Ms Terry said two employees at City Hall were given salary adjustments. The employee in the cashier's office is now being paid \$10.00 and the Personnel/Payroll employee \$10.50 per hour. She said she would address increases in the Public Works Department at a later date.

AGENDA ITEM NO. 7 - QUESTIONS & ANSWERS: - Mayor Casto asked Mr. Walls to explain the pictures that he gave him. Mr. Walls said the pictures are of Council members helping in the cleanup. They were Councilwoman at Large Brenda Tyler, Councilmen A. A. "Joe" Savilla, Tim Harrison and Councilman at Large Bill Clark. They cleared a truck load of trash from one block.

Councilman Tim Harrison stated that he is concerned with the payment of bills after the fact. He said he would like for Council to be provided projected revenue and encumbrances. He said he would like to know what we are looking at down the road as to monies coming in and expenditures. Councilman Harrison said he also asked if a tape recorder could be provided for committee meetings.

Councilman Bill Racer asked when we could expect paving city streets.

Councilman at Large Bill Clark commended Tifney Terry on what a good job she is doing.

Councilwoman at Large Brenda Tyler advised that Pastor John Withrow is extremely ill and waiting on a heart transplant. The Nitro Ministerial Association will have a benefit fund raiser for him at the Nitro Community Center November 27, 2005 in the Kathy Mattea Auditorium. She said she wanted to go into Executive Session.

AGENDA ITEM NO. 8 - ANNOUNCEMENTS: - - NONE

AGENDA ITEM NO. 9 - ESTABLISHMENT OF MEETING DATES: - The next regularly scheduled meeting will be Tuesday, December 6, 2005 and Tuesday, December 20, 2005 at 7:30 p.m.

AGENDA ITEM NO.10 - PUBLIC FORUM: - Mayor Casto asked if anyone would like to address Council.

Carol Sergeant, from Blakes Creek Road, stated that in 2000 they were annexed into the City with a promise of city sewers. Mayor Casto said there will be a Sanitary Board Meeting next Tuesday at 3:00 p.m. and encouraged her to attend. He said it would require a sewer increase to all residents to have the line installed.

Councilman at Large Bill Clark asked the status for the demolition of the old museum

building and Bryan Casto said it would be done by January, 2006.

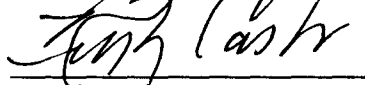
Ron Hoffman, applicant for 4th Ward Council seat, asked if the city had looked into grant money for the sewer problem on Blakes Creek Road, and Mayor Casto said the grant money was pretty well dried up. Mr. Hoffman asked if the City had considered hiring more firefighters to reduce the overtime hours. Mayor Casto responded that the hours are built in.

A lady asked if the person they are going to discuss in executive session would request an open meeting, could it be done. Mayor Casto said he didn't know who she was talking about. Councilman Bill Racer asked if it was him, and Councilwoman Tyler answered it was not and he is not considered an employee of the city.

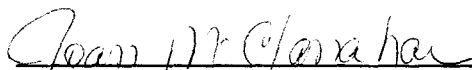
Harvey Collins, a resident of Fenton Circle, said Bill Javins was an excellent candidate for Council. He said he feels we should use the sound system, if it works, as they couldn't hear anything in the back. Mayor Casto replied that he didn't think it worked.

Mayor Casto said we would go into executive session and asked that the room be cleared at 8:30 p.m. Regular Council reconvened at 8:45 pm.

AGENDA ITEM NO. 11 - ADJOURNMENT: - There being no further business to be conducted, COUNCILMAN TIM HARRISON MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN A.A. "JOE" SAVILLA AND WAS CARRIED.



RUSTY CASTO, MAYOR



JOAN MCCLANAHAN, RECORDER

JOHN LARSSON
GENERAL



COMMISSIONER
PHILIP NEEDHAM
TERRITORIAL COMMANDER

The Salvation Army

FOUNDED IN 1865 BY WILLIAM BOOTH

MAJOR MARK BELL
DIVISIONAL COMMANDER

Area Command Office
P. O. Box 6130

CAPTAIN LEWIS RECKLINE
AREA COMMANDER

301 Tennessee Avenue

Charleston, West Virginia 25362

Phone (304) 343-4548 FAX 343-6701

E-mail: tsa@charterbn.com

www.charlestonsalvationarmy.com

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October 7, 2005

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C. Michael Matthews

Annette McKay

Mark Mitchell

Nicolas Preservati

Philip Silverstein

Janet Victorson

Hank Walker

Rachel Witherell

Gene Zdrojewski

Dear Friend:

Jim Dagostine, Coordinator of the Dagger's 19th Annual Motorcycle Toy Run, is soliciting merchants for gift certificates for this event on behalf of The Salvation Army.

Toys and monies that are donated will help benefit those children from less fortunate families.

We ask that you please help with this event as best possible.

Your donations are greatly appreciated.

Sincerely,

Captain Lewis R. Reckline
Area Commander



DOING
THE MOST
GOOD

LIFE MEMBERS

Charles E. Boll, Sr.

Elmer Braun

John Chapman

Dr. Daniel Mairs

Everette Sullivan

Raymond J. Zando

MEMBER EMERITUS

Samuel McCorkle

Jean Orders

Edward Peeks

Robert F. Silverstein

DAGGER'S 19TH ANNUAL MOTORCYCLE TOY RUN



November 1, 2005

I can't begin to thank you for the overwhelming amount of toys that were donated to The Salvation Army through the Dagger's Annual Motorcycle Toy Run. Although the weather was cold, your generous donation of toys raised during the event truly warmed my heart and spirit. The 2004 Bike Run raised \$1,580.00 and brought in 817 toys. Your hard work and unbelievable dedication are greatly appreciated. We have been told that the Dagger's Bike Run is the highlight of the Salvation Army's Christmas Season.

It is through the continued support from individuals like you and those that braved the cold on their bikes and Corvettes that enables The Salvation Army to continue their mission of meeting the needs of those less fortunate throughout the year. Thanks to caring community member like you, The Salvation Army was able to serve over 3,000 children and close to 2,000 individuals last Christmas. The Salvation Army serves those in need 365 days a year - because need knows no season.

On behalf of the children who received your donated toys last Christmas I again want to say thank you. I am looking forward to your continued support during the 2005 holiday season.

May God bless you and your loved ones for many years to come.

Sincerely,

Jim Dagostine, Coordinator

DAGGER'S 19TH ANNUAL MOTORCYCLE TOY RUN



Jim Dagostine, Coordinator

SATURDAY : DECEMBER 10, 2005

SIGN-IN : 10:00 a.m. - 12:30 p.m.
DOOR PRIZES : 12:30 p.m. - 1:30 p.m.

Trophies for Longest Distance Traveled
50/50 Drawing Prior to Parade

Thank You
Blizzard's
CustomCycle

PARADE : WILL LEAVE PROMPTLY AT 1:30 p.m.

From:

Tomahawks Smoke House & Saloon - St. Albans

COME EARLY AND WARM UP WITH COFFEE & DONUTS!
PROVIDED BY THE DONUT CONNECTIONS!

\$10.00 Donation or Unwrapped Toy To Ride in the Parade

Thank You
COC

All Donations Welcome!
You don't have to be a biker to donate!
All donations go to our local children!

2004 Run Highlights: 817 Toys Donated
\$1580.00 Cash Donations

For More Details Call:

Day : 759-0204
Evening: 768-2278
Mike & Amanda - 96.1 The Wolf
Steve & Jenny - V100
Rick Johnson - 580 AM

Let's Make 2005 Bigger & Better!!!

TOY DROP LOCATIONS:

Brit Tire - Charleston

—Center Tavern - Nitro —

—Denisa's New Beginnings - Nitro —

Fielders Beauty Shop - Charleston

Matador Barber Shop - St. Albans

Randolph Engineering - Scott Depot

—Shelly's Hair Design - Nitro —

Tomahawks Smoke House - St. Albans

Kanawha Terrace IGA - St. Albans

—Rock Branch Trophy - Nitro —

The Dawg House Saloon - St. Albans



Thanks To
The
CorvetteClub

A Special Thank You!! Goes out to everyone that made donations last year and riders that came out in the bitter cold weather to support the Toy Run!

Dagger's Helpers - Mel & Debbie Hicks

ALL TOY/DONATIONS FOR THE SALVATION ARMY

CITY OF NITRO

COUNCIL MEETING MINUTES

DECEMBER 6, 2005

AG4NDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 p.m. 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 and Tim Harrison. Also present were Troy Giatris and Treasurer Tifney Terry. Ward IV seat vacant.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE - COUNCILWOMAN GERTIE ESTEP GAVE THE INVOCATION AND SHAWN TAYLOR. LED THE PLEDGE OF ALLEGIANCE. Mayor Casto introduced Shawn Taylor as the new City of Nitro Municipal Judge.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: - COUNCILMAN A. A. "JOE" SAVILLA MOVED THE NOVEMBER 15, 2005 MINUTES BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE GERTIE ESTEP AND WAS CARRIED.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH: - Mayor Casto announced the December Citizens of the Month are Albert and Thelma Walls. He presented them with dinner for two at Diehls and a Nitro City Flag. They received a round of applause with thanks from the Mayor and Council Members for all the hours of volunteer work they do for the City.

B. BROWNSFIELD COMMITTEE: - Councilman Tim Harrison, Chairman of the Brownsfield Committee, reported that everything is coming together on the grant process. He also stated they received an endorsement from former State Senator Oshel Craigo. He reaffirmed this would be at no cost to the City.

C. RECREATION COMMITTEE - Mayor Casto yielded to Councilwoman at Large Brenda Tyler. Councilwoman Tyler reminded everyone that the Nitro Christmas Parade will be Saturday, December 10, 2005 starting at 6:00 p.m.

She reported that the employee Christmas dinner was a huge success. There were 258 in attendance. Tri State Racetrack and Gaming Center donated \$750.00 to cover the cost of the food.

Councilwoman at Large Brenda Tyler said they are preparing approximately 200 Christmas food baskets for the needy in Nitro, in conjunction with United Way.

D. CITY OF NITRO LEGAL ISSUES: - Mayor Casto yielded the floor to the

City Attorney Troy Giatris. Attorney Giatris mentioned he is still in the process of working on several items including the EPA/Hiser Creek Landfill, Smith Street Landfill, and an appeal of a case involving Roy Pauley. Councilman Bill Racer questioned the progress of the Statewide Services lawsuit. Mr. Giatris replied they are still working on this and will talk with Councilman Racer after the meeting.

E. FINANCIAL REPORT: - Mayor Casto yielded the floor to Treasurer Tifney Terry. Ms Terry passed out financial reports and bank statements and assured Council the finances were in good order. She mentioned approximately \$10,000.00 issued to employees for Christmas bonuses. The bonuses were based on years of service and Dennis McNealy received the largest which was \$500.00. Councilman A. A. "Joe" Savilla commended Dannie on his years of service. Councilwoman at Large Gertie Estep said she felt we shouldn't be spending the money in such a way after raising municipal fees because it creates a hardship for people on fixed income. She said the employees are certainly deserving of a bonus, but questioned where the money was coming from. In response to a question Ms Terry informed the municipal service billing for December will be processed at City Hall. Ms Terry mentioned the deteriorated condition of the salt shed and door at the City Garage that need to be replaced. She also stated that the check from Tri-State for the Christmas dinner was for \$800.00.

AGENDA ITEM NO. 5 - OLD BUSINESS

A. SUMP PUMP - Mayor Casto yielded the floor to City Recorder Joan McClanahan. Recorder McClanahan reported that we had put this out for bid twice and no bids were received. Mayor Casto asked that the City Attorney advise if this could be an emergency purchase and Attorney Giatris stated that it could be. COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THAT THE PURCHASE OF THE SUMP PUMPS BE DECLARED AN EMERGENCY PURCHASE, SECONDED BY COUNCILMAN BILL CLARK AND WAS CARRIED. Treasurer Terry will have the price of the pump by the end of the week.

B. PURCHASE OF SPREADER FOR PUBLIC WORKS: - Mayor Casto yielded the floor to Treasurer Tifney Terry. Ms Terry reported that Public Works is in dire need of a spreader. Sue Mosteller, an employee of the US Postal Service, informed that the US Postal Service had two spreaders they would donate after receiving a letter from the Mayor requesting the donation.

C. APPROVE MONITORING AND EMERGENCY ACTION PLAN AND MAINTENANCE PLAN FOR BLAKES - ARMOR CREEK SITE #7 ID#WV-03909. - Mayor Casto yielded the floor to Building Inspector Bryan Casto. Mr. Casto explained that the plan was previously presented to Council for their review. It is an emergency evacuation plan which must be updated on a regular basis and approved by Council. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE PLAN BE APPROVED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER AND WAS CARRIED.

COPY ATTACHED

D. REPLACEMENT FOR OPEN 4TH WARD COUNCIL SEAT: - Mayor Casto asked the candidates for the vacant ward seat to stand, introduce themselves and tell why they would like to serve on Council. Three of the four candidates were present, Dave Casebolt, Bill Javins and Ron Hoffman. Frank Grover was not in attendance. All of the candidates expressed their interest in serving the City. Mayor Casto explained to Council that the candidates receiving four votes would be elected. COUNCILMAN AT LARGE BILL CLARK MOVED BILL JAVINS BE ELECTED, SECONDED BY COUNCILWOMAN AT LARGE BRENDA TYLER. THOSE VOTING IN FAVOR OF BILL JAVINS WERE COUNCILWOMAN AT LARGE BRENDA TYLER, COUNCILMAN AT LARGE BILL CLARK, COUNCILMEN A. A. "JOE" SAVILLA AND TIM HARRISON WITH NONE OPPOSED. MR. BILL JAVINS WAS ELECTED TO FILL THE WARD 4 COUNCIL SEAT.

AGENDA ITEM NO. 6 - NEW BUSINESS: - NOTHING TO ADDRESS

AGENDA ITEM NO. 7 - QUESTIONS & ANSWERS: -

Councilman Tim Harrison stated there is a desperate need for heaters at the City Garage and feels this matter should be addressed soon.

Councilman Tim Harrison complimented the Emergency Services, Nitro Police and Fire Departments, on the manner in which they handled a recent incident on Main Avenue in Nitro. They were extremely professional. Captain Ronnie King commended the Public Works on their work at the same incident.

Councilman Bill Racer questioned the availability of money for paving that was budgeted, and he was assured by Ms Terry the money would be there in the Spring when it was time to start paving.

Councilman A. A. "Joe" Savilla stated that he was very proud of the Nitro High School football team who is the State Runner-up.

Mayor Rusty Casto said he would like to recognize Ivan Meadows for the work he has done for the school sports and the city.

Councilwoman at Large Gertie Estep congratulated the football team.

Councilman at Large Bill Clark thanked Ivan for all he does and spoke of his pride in the football team.

Councilwoman at Large Brenda Tyler thanked everyone for their help with the employees Christmas dinner. Students from Nitro High School cooked the turkeys and the women from the St. Paul's United Methodist prepared the rest of the meal. They are in the process of raising funds for citywide decorations. Councilwoman Tyler said it was her understanding that the City Recorder Joan McClanahan may retire at the end of December. Councilwoman Tyler said it is her wish that we have a reception in honor of the City Recorder Joan McClanahan following the next council meeting.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES: - Mayor Casto announced the next regular council meetings will be held Tuesday, December 20, 2005 and Tuesday January 3, 2006 at 7:30.

AGENDA ITEM NO. 9 - PUBLIC FORUM: - NO COMMENTS

AGENDA ITEM NO. 10 - ADJOURNMENT: - COUNCILMAN A. A "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND WAS CARRIED.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

NOTE: DUE TO MECHANICAL FAILURE, THESE MINUTES ARE FROM NOTES AND MEMORY. (NO TAPE AVAILABLE).

MONITORING AND EMERGENCY ACTION PLAN
AND MAINTENANCE PLAN

FOR

BLAKES - ARMOUR CREEK

SITE #7

ID#WV-03909

LOCATED:
CITY OF NITRO
IN
KANAWHA COUNTY

SPONSORED BY:
CITY OF NITRO
CAPITOL CONSERVATION DISTRICT
WV CONSERVATION AGENCY

ISSUE DATE: _____

REVISED DATE: _____

INTRODUCTION

Purpose of the Plan

The purpose of this document is to provide for monitoring of the Blakes-Armour Creek Site #7, locally known as "Ridenour Lake" in Kanawha County under various conditions so that an emergency situation at the dam will be observed promptly and reported to agencies and persons who may be affected. This document also provides a plan for the orderly notification and evacuation of downstream residents to a place of safety in the event of a potential or actual dam failure. Maintenance plan is included.

Brief overview of Dam and Observed Problems

The Blakes-Armour Creek Site #7 Dam is an earthen structure 46 feet high and impounding a maximum volume of water of 1560 acre- feet. The dam has a 30-inch principal spillway pipe located at the center (looking downstream) along the upstream face. The principal spillway riser has a gate valve for draining the impoundment. The dam has an emergency spillway open channel located at the left abutment (looking downstream). The dam normally has a freeboard (vertical distance in feet between the normal reservoir elevation and the top of the dam) of 27.45 feet. There are no known problems with this dam.

Blakes - Armour Creek Site #7 in Kanawha County is a floodwater-retarding dam and consists of earthen fill. The dam is equipped with a riser and emergency spillway, which serves as dual protection from flooding and loss of life.

The dam is designed to provide temporary storage of water from upstream runoff and then release the water at a rate, which will minimize downstream flooding. Flow will be controlled through ungated, self-operating reinforced concrete conduits, which incorporated as two-stage principal spillway system that automatically controls runoff resulting from all storms greater than the 100-year frequency flood event. Flooding from storms greater than the 100-year frequency event will be routed safely over the dam's emergency spillway. Flood flows will be stored in the flood pool and released with no significant change in volume within 2 to 6 days following a storm.

An analysis by NRCS engineers has determined the likelihood of a catastrophic failure of this structure as a result of terrorist activities is remote at best. This structure is designed to withstand the effects of a Level 2 earthquake and that design factor greatly reduces the effectiveness of explosives to affect a catastrophic failure of the dam. We will incorporate awareness of this remote possibility into our training for our observers and emergency service personnel. This structure is designed for recreation by the public. The dam is not used for any municipal water supply and therefore the threat of contamination from a terrorist action is neutralized. There are no known problems concerning this dam. This dam is equipped with the USGS monitoring device.

The Capitol Conservation District has an easement for the necessary Operation, Maintenance and Repairs. The dam is open to the public for recreational purposes. If potential terrorism activity is observed the local law enforcement offices will need to be contacted.

- 1) Nitro City of Police Department 304-755-0777
- 2) Nitro City Emergency Services 304-755-0777
- 3) Nitro City Public Works 304-755-0704

How to use this document

Persons using this plan will find a sequence of actions to be taken depending on rainfall and site conditions. A summary of where to find specific monitoring, reporting and evacuation requirements can be found on the following page: **Table of Contents - Page 4**

Plan View of Blakes-Armour Creek Site #7

Emergency Spillway

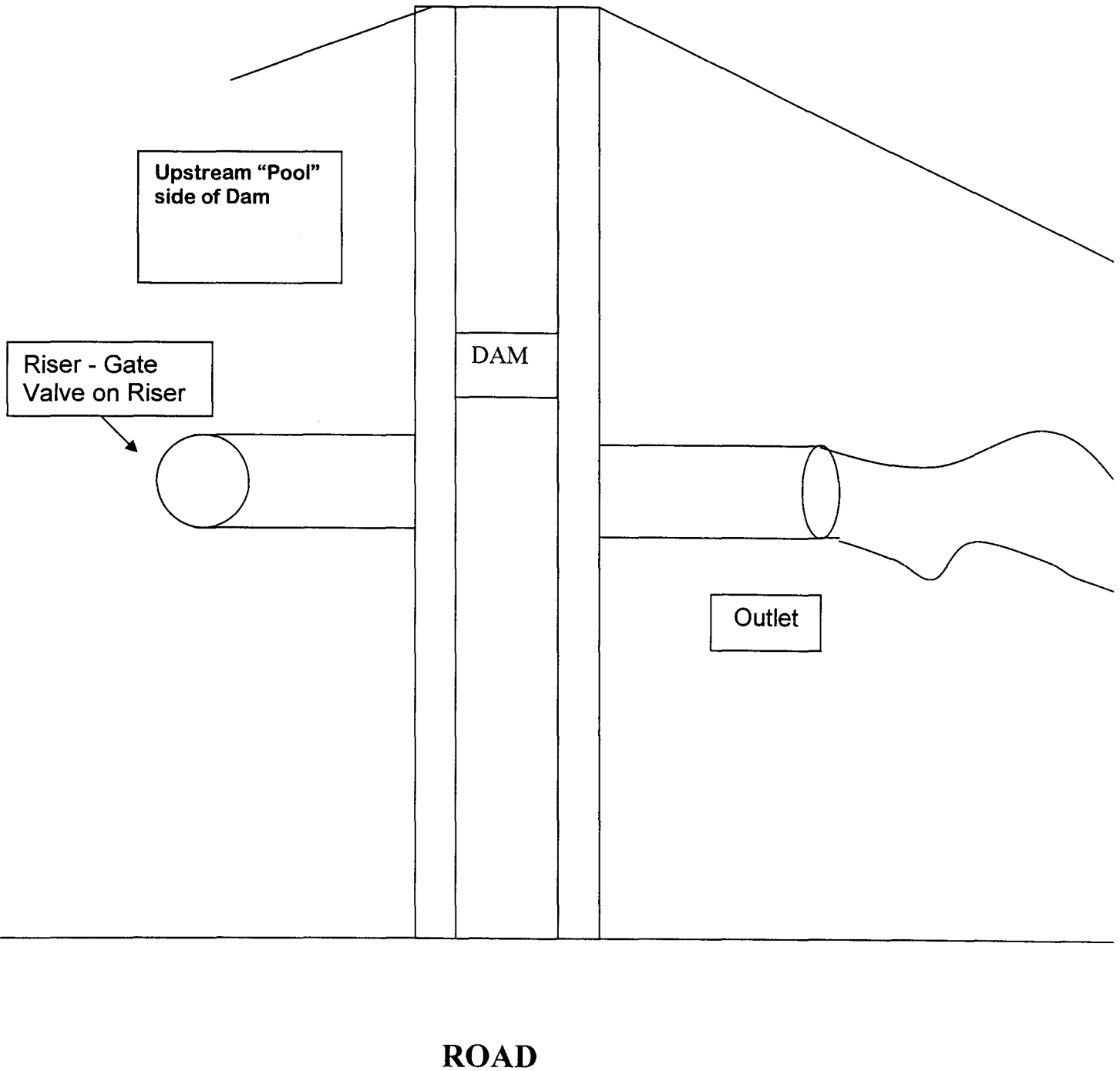


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Attachment 2 – Map of Evacuation Area, Location of Dam, Roadblocks and Evacuation Centers

BLAKES – ARMOUR CREEK SITE –SITE #7 RIDENOUR LAKE

Part 1 – Monitoring Plan and Inspection Schedule

Section A-Normal Conditions:

Dry weather or occasional light rainfall inspect and note condition of trash racks, spillways, seepage zones embankment cracking, slumps, slides, sinkholes, bulges, gate or equipment, concrete alignment, vandalism, impact basin, grating and outlet channel, and any noticeable form of erosion.

Action

1. Inspect quarterly, or as necessary.

Responsibility

WVCA Watershed Manager
304-822-8845 or 304-541-9814

Alternate

WVCA Watershed Director
304-822-8845 or 304-541-9809

2. If a serious problem is found **immediately**
Proceed to Section B or C as appropriate.

Section B – Adverse Conditions:

Heavy or extended rainfall, flash flood warning, snow-melt or serious new problems found under normal conditions such as slips, sinkholes, piping, spillway discharge levels, reservoir elevation and freeboard, seepage zones, embankment cracking, slumps, bulges, gate or equipment failure, and concrete alignment.

Action

1. Inspect daily or more often, as necessary.

Responsibility

City of Nitro
Bryan Casto 304-755-0703
304-741-2452

Alternate

Nitro Fire Department
304-755-0704 or 304-741-1546

2. Decrease reservoir level, if possible.

See note below

If a problem is observed that could lead to
Failure **Immediately proceed to Section C.**

Responsibility

Natural Resources Conservation
Service-Larry Strum
304-372-6232, ext #101

Note: The reservoir level on this structure cannot be manually decreased. The Nitro Public Works, Natural Resources Conservation Service and Capitol Conservation District maintain responsibility for the reservoir level. If a problem exists contact one of them immediately.

Section C – Standby Alert:

Condition of dam has deteriorated, water rises to predetermined critical level or water is running through the emergency spillway. Inspect trash racks, spillways, spillway discharge levels, reservoir elevation and freeboard, seepage zones, embankment cracking or piping, slumps, sinkholes, bulges, gate or equipment failure, and concrete alignment.

<u>Action</u>	<u>Responsibility</u>
1. Constant surveillance.	Bryan Casto 304-755-0703 or 304-741-2452
	<u>Alternate</u> A. J. Hill 304-755-0704 or 3014-741-1546
2. Notify agencies according to checklist and wording below.	OES Director Bill White 911 Or 304-357-0111
	<u>Alternate</u> WV DEP, DWWDM, Dam Safety Section 800-642-3074

Standby Alert Notifications: The responsible person shall phone or contact each agency listed below in sequence and cover the following items:

Check when completed:

- _____ identify yourself
- _____ refer to the dam as **Blakes-Armour Creek, Site #7, Ridenour Lake, ID #03909**
- _____ advise the person contacted that you are calling as required by the monitoring and emergency action plan
- _____ state the condition of the dam
- _____ state that a **STANDBY ALERT** is declared
- _____ advise the person contacted of any requested assistance or action needed
- _____ answer any questions

Check when notified:

- _____ WV DEP DWWDM Dam Safety Section, Brian Long 800-642-3074
- _____ Kanawha County OES Bill White Director, 911 or 304-357-0111
- _____ Putnam County OES Frank Chapman Director, 304-586-0247
- _____ City of Nitro, Bryan Casto 304-755-0703 or 304-741-2452
- _____ Nitro City of Public Works, A. J. Hill 304-755-0704 or 304-741-1546
- _____ Nitro Fire Department, Ernie Hedrick 304-755-0777 or 304-755-1431
- _____ Nitro City Police Department 304-755-0701
- _____ Kanawha County Sheriff Department 911 or 304-357-0200
- _____ KVRT Kanawha Valley Regional Transit Authority 304-343-7586
- _____ Natural Resources Conservation Center 304-372-6231, ext#101
- _____ WV Conservation Agency 304-558-2204, 304-822-8845 or 304-541-9814
- _____ Capitol Conservation District 304-759-0736

- | <u>Action</u> | <u>Responsibility</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 3. Respond to notification of Standby Alert | City of Nitro 304-755-0703 or
304-741-2452
or
Kanawha County Office of
Emergency Services 911 or
304-3357-0111 |
| 4. Start Emergency communications network
if necessary, based upon the continuing
deterioration the site. Request additional
assistance as necessary. | City of Nitro 304-755-0703
or 304-742-2452 |
| 5. Begin emergency repair. | WVCA Watershed Manager
304-558-2204 or 304-541-9814 or
WVCA Watershed Director
304-822-8845 or 304-541-9809 |
| 6. Issue Media Announcement. | Kanawha Office of Emergency
Services 911 or 304-357-0111 |

**WVAF-FM -Radio Station- 99.9
304-342-8131**

Section D – Evacuation Conditions:

The condition of the dam has deteriorated to the point where failure could occur, including overtopping of earthen dams, cracking, piping, spillway failure, obvious deformation of the dam.

- | <u>Action</u> | <u>Responsibility</u> |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Monitor dam conditions, issue evacuation
if necessary | City of Nitro, Byran Casto
304-755-0703 or
304-741-2452
<u>Alternate</u>
Nitro Public Works, A. J. Hill
304-755-0704 or 304-741-2452 |
| 2. If evacuation notice is given, <u>proceed
immediately to Part II.</u> | Kanawha County OES
Bill White 304-357-0111 |

Check when completed:

- _____ identify yourself
- _____ refer to the dam by **Blakes-Armour Creek, Site #7 "Ridenour Lake" D#03909**
- _____ advise the person contacted that you are calling as required by the monitoring and emergency action plan
- _____ state the condition of the dam
- _____ state that a **EVACUATION NOTICE** is declared
- _____ advise the person contacted of any requested assistance or action
- _____ answer any questions

Check when notified:

- _____ WV DEP DWWDM Dam Safety Section, Brian Long 800-642-3074
- _____ Kanawha County OES Bill White Director, 911 or 304-357-0111
- _____ Putnam County OES Frank Chapman Director, 304-586-0247
- _____ City of Nitro, Bryan Casto 304-755-0703 or 304-741-2452
- _____ Nitro City of Public Works, A. J. Hill 304-755-0704 or 304-741-1546
- _____ Nitro Fire Department, Ernie Hedrick 304-755-0777 or 304-755-1431
- _____ Nitro City Police Department 304-755-0701
- _____ Kanawha County Sheriff Department 911 or 304-357-0200
- _____ KVRT Kanawha Valley Regional Transit Authority 304-343-7586
- _____ Natural Resources Conservation Center 304-372-6231, ext#101
- _____ WV Conservation Agency 304-558-2204, 304-822-8845 or 304-541-9814
- _____ Capitol Conservation District 304-759-0736

Excavation Centers

- _____ Nitro High School 304-755-4321
- _____ St Albans High School 304-722-0212

Part 2- Emergency Action and Evacuation Plan
Section A-Notification of Agencies

Action

1. Notify agencies not on-site using checklist below:

Responsibility

City of Nitro
 Bryan Casto
 304-755-0703 or
 304-742-2452

Alternate

Kanawha County
 OES 911 or
 304-357-0111

Check when completed:

- _____ identify yourself
- _____ refer to the dam **Blakes-Armour Creek, Site #7, Ridenour Lake, ID#03909**
- _____ advise the person contacted that you are calling as required by the monitoring and emergency action plan
- _____ state the condition of the dam
- _____ state that a **EVACUATION NOTICE** is declared
- _____ advise the person contacted of any requested assistance or action
- _____ answer any questions

Check when notified:

- _____ WV DEP DWWDM Dam Safety Section, Brian Long 800-642-3074
- _____ Kanawha County OES Bill White Director, 911 or 304-357-0111
- _____ Putnam County OES Frank Chapman Director, 304-586-0247
- _____ City of Nitro, Bryan Casto 304-755-0703 or 304-741-2452
- _____ Nitro City of Public Works, A. J. Hill 304-755-0704 or 304-741-1546
- _____ Nitro Fire Department, Ernie Hedrick 304-755-0777 or 304-755-1431
- _____ Nitro City Police Department 304-755-0701
- _____ Kanawha County Sheriff Department 911 or 304-357-0200
- _____ KVRT Kanawha Valley Regional Transit Authority 304-343-7586
- _____ Natural Resources Conservation Center 304-372-6231, ext#101
- _____ WV Conservation Agency 304-558-2204, 304-822-8845 or 304-541-9814
- _____ Capitol Conservation District 304-759-0736

Excavation Centers

- _____ Nitro High School 304-755-4321
- _____ St Albans High School 304-722-0212

Section B – Evacuation Notification of Downstream Partners:

In accordance of WV Code 22-14-10, it is the responsibility of the dam owner to notify downstream persons, if county emergency authorities are not available or are unable to notify downstream persons.

Note to evacuation authorities: No person may be ordered to leave or to be physically removed from the evacuation area against their will. Notification to persons and providing assistance to persons in the evacuation area should fulfill agency responsibilities under this section of the plan. Evacuate residents north of the dams. If roads are impassable, residents will be moved to higher ground until they can be transported to the evacuation centers. Radio will broadcast evacuation notice and the Nitro Fire Department and the City of Nitro Company will go door to door to ensure that the evacuation is complete. The City of Nitro may issue a MANANDATORY EVACUATION.

<u>Action</u>	<u>Responsibility</u>
1. Notification of downstream persons.	Nitro Fire Department 304-755-0701 or 304-741-1431
	<u>Alternate</u> City of Nitro 304-755-0705 304-755-0703 or 304-741-2452
2. Transportation of evacuees with priority	Nitro Fire Department 304-755-0701 or
	Kanawha Valley Regional Transist Authority 304-343-7586
3. Establish command post, direct emergency operations, organize effort, direct officials of cooperating agencies.	Kanawha County OES -911 or 304-357-0111 or Putnam County OES 304-586-0246

- | <u>Action</u> | <u>Responsibility</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 4. Notify American Red Cross, or agencies in charge of evacuation centers, including food and medical facilities. Handle inquiries on status of evacuees. | Kanawha County OES
911 or 304-357-0111 |

American Red Cross, Putnam Chapter 304-586-0246
American Red Cross Central WV Chapter 304-340-3650

Thomas Memorial Hospital 304-766-3600

- | | |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 5. Police Security of area to prevent looting. | Nitro City Police Dept
304-357-0191 or
WV State Police
304-558-7777 |
| 6. Establish roadblocks to prevent unauthorized entry. | Kanawha County Sheriff
Department 911 or
304-357-0200
Putnam County Sheriff
Department 911 or
304-586-0214 |
| 7. Locate additional or alternative evacuation centers as needed. | Kanawha County OES
911 or 304-357-0111
or
City of Nitro
304-755-0703 |

Evacuation Centers

Nitro High School	304-755-4321
St Albans High School	304-722-0212

8. Notification of utilities:

Utilities Names and Phone Numbers:

Check when notified:

- ___ Telephone-Verizon 1-800-562-3443
- ___ Electric –American Electric Power 1-800-982-4237
- ___ Gas-Allegheny Power 1-800-255-3443
- ___ Water& Sewage-Nitro Public Works 304-755-0704
- ___ WV Department of Highways- 304-744-3050

Part 3 - Post Evacuation Notification Action

Section A

Should **no failure** occur:

<u>Action</u>	<u>Responsibility</u>
1. Cancel evacuation notification	City of Nitro 304-755-0703 or 304-741-2452
	WV DEP DWWM Dam Safety Section, Brian Long 800-642-3074

Check when notified:

Check when notified:

- _____ WV DEP DWWM Dam Safety Section, Brian Long 800-642-3074
 - _____ Kanawha County OES Bill White Director, 911 or 304-357-0111
 - _____ Putnam County OES Frank Chapman Director, 304-586-0247
 - _____ City of Nitro, Bryan Casto 304-755-0703 or 304-741-2452
 - _____ Nitro City of Public Works, A. J. Hill 304-755-0704 or 304-741-1546
 - _____ Nitro Fire Department, Ernie Hedrick 304-755-0777 or 304-755-1431
 - _____ Nitro City Police Department 304-755-0701
 - _____ Kanawha County Sheriff Department 911 or 304-357-0200
 - _____ KVRT Kanawha Valley Regional Transit Authority 304-343-7586
 - _____ Natural Resources Conservation Center 304-372-6231, ext#101
 - _____ WV Conservation Agency 304-558-2204, 304-822-8845 or 304-541-9814
 - _____ Capitol Conservation District 304-759-0736
- Evacuation Centers
- _____ Nitro High School 304-755-4321
 - _____ St Albans High School 304-722-0212

Section B

Should **failure** occur:

<u>Action</u>	<u>Responsibility</u>
1. Notify agencies according to checklist below:	Dennis McGann, OES, Director 304-788-1821 or 911

Check when notified:

- _____ WV DEP DWWM Dam Safety Section, Brian Long 800-642-3074
- _____ Kanawha County OES Bill White Director, 911 or 304-357-0111
- _____ Putnam County OES Frank Chapman Director, 304-586-0247
- _____ City of Nitro, Bryan Casto 304-755-0703 or 304-741-2452
- _____ Nitro City of Public Works, A. J. Hill 304-755-0704 or 304-741-1546
- _____ Nitro Fire Department, Ernie Hedrick 304-755-0777 or 304-755-1431
- _____ Nitro City Police Department 304-755-0701
- _____ Kanawha County Sheriff Department 911 or 304-357-0200
- _____ KVRT Kanawha Valley Regional Transit Authority 304-343-7586
- _____ Natural Resources Conservation Center 304-372-6231, ext#101
- _____ WV Conservation Agency 304-558-2204, 304-822-8845 or 304-541-9814
- _____ Capitol Conservation District 304-759-0736

Excavation Centers

- _____ Nitro High School 304-755-4321
- _____ St Albans High School 304-722-0212

<u>Action</u>	<u>Responsibility</u>
2. Evacuation or assistance to persons stranded in homes due to highway or bridge washout.	Nitro Fire Department 304-755-1437 or 304-755-1431
	<u>Alternate</u> City of Nitro 304-755-0703 304-741-2452
3. Search and rescue	NitroFire Department 304-755-1431 or 304-741-1437
4. Cleanup crews and equipment	WVCA Watershed Manager 304-558-2204 or 304-541-9814 or WVCA Watershed Director 304-822-8845 or 304-541-9809

Part 4- Administrative and Record Keeping

Section A – Signature and Distribution List

Signature:

The undersigned states he/she will distribute a copy of the Monitoring and Emergency Action plan for the Blakes-Armour Creek, Site #7, "Ridenour Lake" within fifteen days after receipt of WV DEP, Division of Water & Waste Management, Dam Safety's Section approval to the persons named in the Distribution List below:

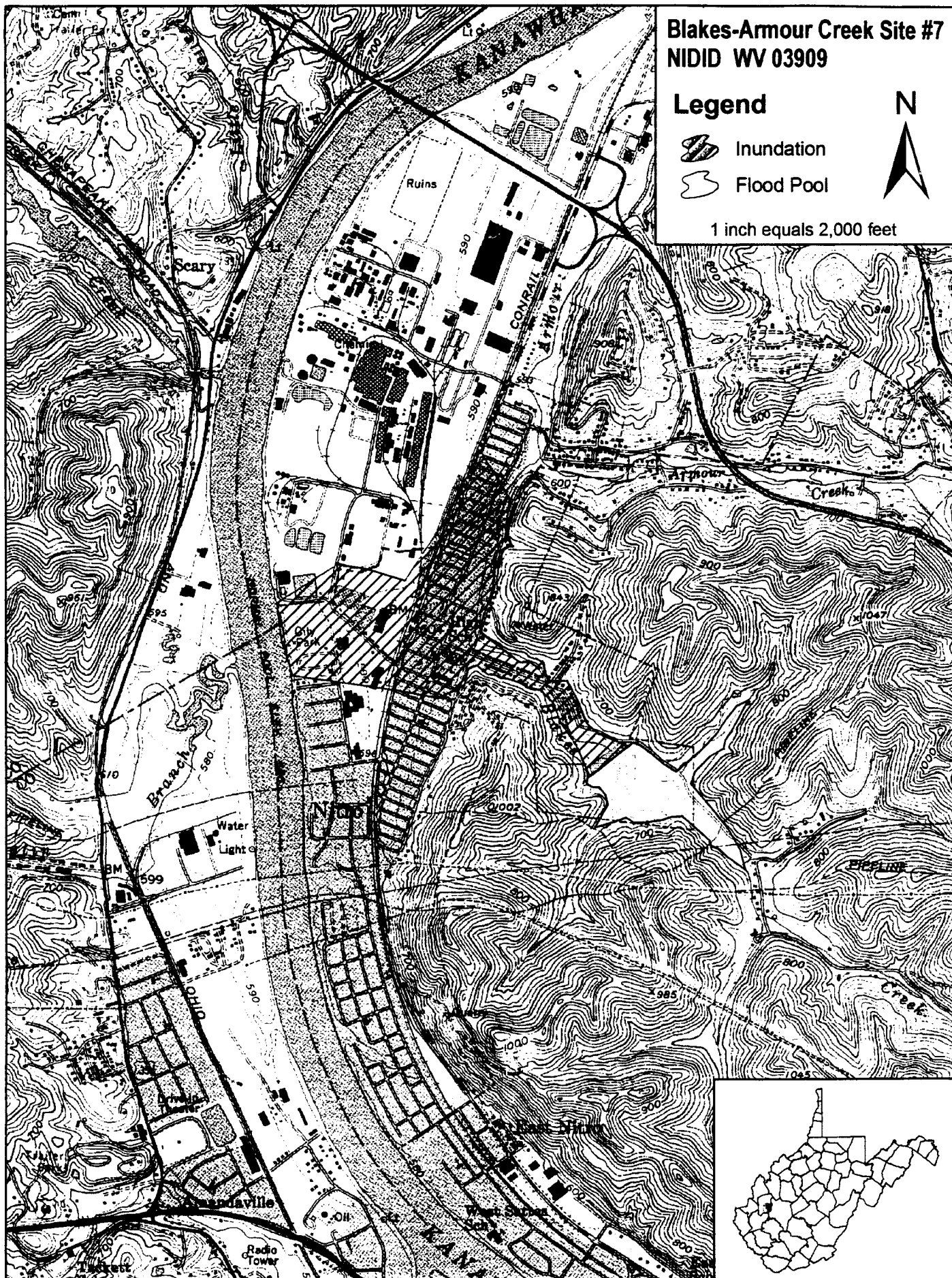
<u>Name</u>	<u>Title</u>	<u>Date</u>
_____	_____	_____

Distribution:

Names and address of all persons or agencies retaining a copy of the plan:

WV DEP Division of Water & Waste Management Dam Safety Section, Brian Long
 601, 57th Street, Charleston, WV 25301
 Kanawha County OES-Bill White P.O. Box 3627, Charleston, WV 25336
 Putnam County OES-Frank Chapman, 3389 Winfield Road, Winfield, WV 25213
 City of Nitro, Bryan Casto, Nitro, WV 25143
 Nitro Fire Department, Chief Ernie Hedrick, P.O. Box 308, Nitro, WV 25143
 Nitro Public Works, A. J. Hill Director P.O. Box 308, Nitro, WV 25143
 Nitro City Police Department 304-755-0701
 Kanawha County Sheriff Department 911 or 304-357-0200
 Kanawha Valley Regional Transit Authority 304-343-7586
 Natural Resources Conservation Service 304-372-6231, ext#101
 WV Conservation Agency 304-558-2204 or 304-822-8845 or 304-541-9814
 Capitol Conservation District 304-759-0736
 Nitro High School, Paul McClanahan, 1300 Park Avenue, Nitro, WV 25143
 St Albans High School, Dr. Williams, 2100 Kanawha Terrace, St Albans, WV 25177

BLAKES-ARMOUR CREEK SITE#7	
"RIDENOUR LAKE" KANAWHA COUNTY	
EMERGENCIES	CALL 911
Emergency Radio Alert Stations	WVAF-FM 99.9
WV Radio 304-343-8131	
Kanawha County Emergency Communication Center	304-348-8111
Putnam County Emergency Communication Center	304-586-0246
Nitro Fire Department	304-755-0777 or 304-745-1431
City of Nitro	304-755-0703 or 304-741-2452
Nitro City Police Department	304-755-0701
Nitro Public Works	304-755-0704 or 304-741-1546
WV DEP-DWWM-Dam Safety Section	800-642-3074
Kanawha County Sheriff Department	304-357-0200
Putnam County Emergency Communication Center	304-586-0246
Putnam County Sheriff Department	304-586-0214
KVRT Kanawha Valley Regional Transit Authority	304-343-7586
American Red Cross-Putnam Chapter	304-586-0238
American Red Cross-Central WV Chapter	304-340-3650
WV Department of Highways-District 1	304-744-3050
Rescue Contact Nitro or St Albans Fire Department	304-755-0777
Thomas Memorial Hospital	304-766-3600
Evacuation Centers	
Nitro High School	304-755-4321
St Albans High School	304-722-0212
Utilities	
Telephone-Verizon	800-562-3443
Allegheny Power	800-255-3443
American Electric Power	800-982-4237
Norfolk & Southern Railroad	800-453-2530
Gas-Allegheny Power	800-255-3443



CITY OF NITRO
COUNCIL MEETING MINUTES

DECEMBER 20, 2005

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 p.m. Present were Councilwomen at Large Brenda Tyler and Gertie Estep, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison and Bill Javins. Also present were Attorney Mark French for City Attorney Troy Giatras and Treasurer Tifney Terry. Absent was Recorder Joan McClanahan.

AGENDA ITEM NO. 6 - NEW BUSINESS

A. SWEAR IN NEW 4TH WARD COUNCIL - Mayor Casto swore in new 4th Ward Councilman Bill Javins.

AGENDA ITEM NO. 2 - INVOCATION / PLEDGE OF ALLEGIANCE - COUNCILWOMAN BRENDA TYLER GAVE THE INVOCATION AND GERTIE ESTEP LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: - COUNCILWOMAN BRENDA TYLER MOVED THE DECEMBER 6, 2005 MINUTES BE TABLED TO THE NEXT MEETING, SECONDED BY COUNCILMAN JOE SAVILLA AND MOTION WAS CARRIED.

AGENDA ITEM NO. 4 - REPORTS:

Mayor Casto announced the retirement of Lewis Little from the Nitro Sanitary Board. Mr. Little served the City of Nitro Sanitary Board for 25 years as a Class IV Operator. Mayor Casto presented Mr. Little with a plaque from the city. Mr. Little thanked the residents, Mayor and all involved with the city. Mr. Little said it had been a pleasure working for the City of Nitro.

A. BROWNFIELDS COMMITTEE: - Mayor Casto called on Councilman Tim Harrison, Chairman of the Brownfields Committee. Councilman Harrison reported last week the committee had gotten the application in the mail and that the city would now have to sit back and wait for the awards to be made sometime in early March.

B. RECREATION COMMITTEE - Mayor Casto yielded to Councilwoman at Large Brenda Tyler. Councilwoman Tyler stated that the committee had been quite busy. Starting out with a Christmas Parade which had many participants. Kenny Bass came down and judged the float contest. Nitro Church of God won First Place the Fourth and

Fifth Grade class at St. Pauls Church won Second Place and the Boy Scouts won Third Place.

Councilwoman Tyler also reported that they have been working with the Ministerial Association in preparing food baskets for the needy in Nitro. As of today they had prepared 235 families in Nitro with a whole weeks worth of groceries and anyone who had children, which totaled 163 children and they received an outfit and toys. This has been provided by Nitro residents and businesses along with Tri-State who ran a competition with their employees and they provided alone fourteen truckloads of food.

Councilwoman Tyler also presented City Treasurer Tifney Terry with a check for \$1,000.00 for the Dewey Mann War Memorial Fund.

C. CITY OF NITRO LEGAL ISSUES: - Mayor Casto yielded the floor to the City Attorney Mark French. Mr. French had nothing to report.

D. FIREMAN'S PENSION & RELIEF BOARD: - Mayor Casto yielded the floor to Treasurer Tifney Terry. Ms. Terry passed out the amended budget for the Fireman's Pension and Relief Board. Ms. Terry stated the budget had to be amended by \$5,959.52 (due to a fireman on temporary disability). The estimated budget for 2006 \$194,507.30.

AGENDA ITEM NO. 5 - OLD BUSINESS: - NOTHING TO ADDRESS

AGENDA ITEM NO. 7 - QUESTIONS & ANSWERS: -

Councilman Bill Javins stated he appreciated being voted to serve on council. He enjoyed being apart of working on the food baskets for the City of Nitro.

Councilman Harrison stated that he would be talking with City Attorney Troy Giatras or Attorney Mark French on matters for the continuation of the Brownfields work. Wished everyone a Merry Christmas and Happy New Year and looks forward to working together to make 2006 the best year Nitro has seen.

Councilman Bill Racer stated he would just like to wish everyone a Merry Christmas and a Happy New Year.

Councilman A.A. "Joe" Savilla stated that the first thing he would like to do is schedule an Annexation meeting for Tuesday January 10, 2006 at 7:30 P.M. Also wanted to wish Mayor and Council a Merry Christmas and Happy New Year. Councilman Savilla also thanked all who donated to the Christmas program in Nitro.

Councilwoman at Large Gertie Estep stated that she had been doing these baskets for ten years. Mrs. Estep also wanted to wish everyone a Merry Christmas and a Happy New Year.

Councilman at Large Bill Clark wanted to wish everyone a Merry Christmas/Happy Holidays.

Councilwoman at Large Brenda Tyler wanted to wish everyone a Merry Christmas and a Happy New Year and hoped that God would bless each and everyone. Thanked everyone for all of there help and support.

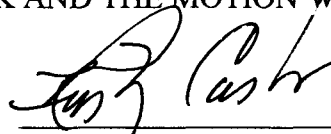
Councilwoman at Large Brenda Tyler also wanted to invite everyone to the hallway after the meeting where a reception was to be held in honor of city Recorder Joan McClanahan and her retirement.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES: - Mayor Rusty Casto announced the next regular council meetings will be held Tuesday, January 3, 2006 and Tuesday, January 17, 2006 at 7:30 p.m.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

Matt Thornhill rose and asked if City Recorder Joan McClanahan had officially retired. Mayor Casto responded that no letter had been received.

AGENDA ITEM NO. 10 - ADJOURNMENT: - COUNCILMAN A.A. "JOE" SAVILLA MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND THE MOTION WAS CARRIED AND THE MEETING ADJOURNED.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 3, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 p.m. Present were Councilwomen at Large Brenda Tyler and Gertie Estep, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison and Bill Javins. Also present were Attorney Mark French for City Attorney Troy Giatras and Treasurer Tifney Terry. Recorder - Vacant Position.

AGENDA ITEM NO. 2 - INVOCATION / PLEDGE OF ALLEGIANCE - COUNCILWOMAN BRENDA TYLER GAVE THE INVOCATION AND GERTIE ESTEP LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: - COUNCILMAN AT LARGE BILL CLARK MOVED THE DECEMBER 6, 2005 MINUTES BE APPROVED AND THE DECEMBER 20, 2005 MINUTES BE TABLED TO THE NEXT MEETING, SECONDED BY COUNCILMAN JOE SAVILLA AND MOTION WAS CARRIED.

AGENDA ITEM NO. 4 - REPORTS:

A. BROWNFIELDS COMMITTEE: - Mayor Casto called on Councilman Tim Harrison, Chairman of the Brownfields Committee. Councilman Harrison reported no status change but did receive confirmation of receipt of our application.

B. ANNEXATION COMMITTEE: - Mayor Casto yielded the floor to Councilman Joe Savilla. Councilman Savilla reported that a meeting was scheduled for January 10, 2006 at 7:30 P.M.

C. RECREATION COMMITTEE: - Mayor Casto yielded the floor to the Councilwoman at Large Brenda Tyler. Ms. Tyler reported she had report from Bill and Fran Fortune who headed up the Christmas Basket Program that 250 food baskets and that 150 children received toys and clothes. Total money donated \$9,432.95. Total money spent on perishables, gifts and other expenses \$6,474.89. And to start next years drive there was \$2,958.06.

D. LEGAL ISSUES: - Mayor Casto yielded the floor to attorney Mark French who handed out a Status of Pending Litigation sheet for council - Updates on legal issues city has been facing. Other than the handing out of the update there was nothing new to report.

E. POLICE DEPARTMENT REPORT: - Mayor Casto yielded the floor to Captain Javins who reported that the November 2005 Activity Report of the Nitro Police Department had been provided to members of council and notified that December and Year End totals would be available next council meeting.

F. FINANCIAL REPORT: - Mayor Casto yielded the floor to Treasurer Tifney Terry who informed council that she had provided for their review the expenses for the month of December as well as a report detailing the expenditures for the City by budget line item.

G. CITY CALENDAR: - Mayor Casto thanked Tifney Terry and Debra Jordan for all of their work on the City Calendar and announced that the calendar was dedicated to Kathy Mattea.

Councilwoman At Large Brenda Tyler commented that she had read in the paper that certain City Council members were given free ads for the city calendar. Mrs. Tyler wanted everyone to know that every Councilman who took out an ad paid for the ad. Councilwoman At Large Gertie Estep wanted to know how Councilman Javins got an ad in the calendar when he had just been sworn in to office. They Mayor asked if everyone had been contacted regarding an ad Councilman Bill Racer stated that he had and Councilwoman Estep stated Recorder Joan McClanahan had not been asked either. Tifney Terry responded to Councilman Racer by informing him that she had indeed left messages for him and that he did not respond. Ms. Terry also responded to Councilwoman Estep and informed her that Recorder Joan McClanahan had indeed been asked in City Hall if she wanted an ad to which Mrs. McClanahan responded, "Absolutely Not." Ms. Terry also informed Councilwoman Estep that new Councilman Javins was able to get is ad in at the last minute. That the printer accommodated the city knowing that a new councilman was being seated.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. REPLACEMENT FOR RETIRED CITY RECORDER: - Mayor Casto informed everyone that the city had received a letter from Recorder Joan McClanahan announcing her retirement as of December 31, 2005. Mayor Casto opened the floor for the individuals who had expressed an interest in the upcoming open position of Recorder to introduce themselves to council and the public. Rich Hively, Matt Thornhill, Rita Cox and Tonya Raynes all took the opportunity to introduce themselves to council. Mayor Casto also informed council that Nitro resident Sonny Bonnet was also interested in being considered for the position.

B. APPROVAL OF PAYMENT OF BILLS FOR DECEMBER 2005: - COUNCILMAN JOE SAVILLA MOVED THAT THE ITEM BE TABLED TO THE NEXT MEETING, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND MOTION WAS CARRIED.

AGENDA ITEM NO. 7 - QUESTIONS & ANSWERS: -

Linda Canterbury rose from the public to ask about the contract agreement with Coca Cola for fundraisers for the city playground. Councilwoman At Large Brenda Tyler responded by informing her that we have had one fundraiser and that we were waiting on the summer months because they are held at Wal-Mart in the parking lot. Ms. Canterbury wanted to know if any fundraisers were being held inside Wal-Mart. Councilwoman Tyler informed her no.

Karen Fritz rose from the public to ask about getting information regarding the fundraiser at the next meeting. Mrs. Fritz also asked about former City Treasurer Ralph Allison and wanted to know if he was still employed by the city. Mayor Casto informed her that he was no longer on the payroll but that he was still working on the pensions for the city and that Tifney Terry was the city Treasurer.

Keith Stathers rose from the public to ask the city attorney about the Statewide lawsuit and wanted to know about the statute of limitations on the suit. Mark French informed Mr. Stathers that if it was a simple harm to land issue it could be two years or if it were a contract issue the statute of limitations could be as much as ten years. But that to his knowledge the city was still well within the statute of limitations.

Mr. Stathers also asked that the police report be read into the record and not just handed to council so that the public would have the information.

Karen Fritz rose again from the public to ask for how much cash is received each month with the deposits and expenditures as well as how much we owe. Councilwoman At Large Estep also asked that donations to the city be communicated to council.

Karen Fritz rose again from the public to ask for an update on the money requested from the Kanawha County Commission. Councilwoman At Large Brenda Tyler informed Mrs. Fritz that the matter would be coming up for a vote at the next Kanawha County Commission meeting and that it was requested through Public Works for a truck. Mrs. Fritz also wanted to know if the Police Department received \$25,000 from Homeland Security, Captain Javins stated that nothing had been approved. Mrs. Fritz stated it would be helpful to hear about what monies the city was asking for and the status on each request.

Matt Thornhill rose from the public to ask what the agenda would be for the upcoming Annexation Committee meeting. Councilman Joe Savilla informed him that no agenda had been set.

Ron Hoffman rose from the public to ask what the status was on the heaters at the garage - a matter that was discussed at the December 6, 2005 meeting. Mayor Casto

informed Mr. Hoffman that there had been no change.

Councilman Bill Javins stated he would like to call a Paving Committee meeting for after the next council meeting January 17, 2006. Councilman Javins also wanted to wish everyone a Happy New Year.

Councilman Tim Harrison had nothing to report.

Councilman Bill Racer stated that he would be getting with City Attorney Troy Giatras regarding the Statewide lawsuit.

Councilman Joe Savilla stated that he wanted everyone to go out and pick up a copy Sports Illustrated because of Nitro High School Football's Josh Culbertson was highlighted.

Councilwoman At Large Gertie Estep wanted to welcome new Councilman Bill Javins and the new Recorder whomever they might be and that she looked forward to working with them.

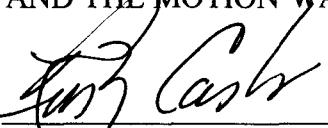
Councilman At Large Bill Clark stated he wanted to read a letter received from Sabine County Hospital in Hemphill, Texas. The letter thanked the professional services members from Nitro. COUNCILMAN CLARK MADE A MOTION THAT THE LETTER BE A PART OF THE MINUTES SECONDED BY COUNCILMAN JOE SAVILLA, MOTION CARRIED.

Councilwoman At Large Brenda Tyler had nothing to report.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES: - Mayor Rusty Casto announced the next regular council meetings will be held Tuesday, January 17, 2006 and February 7, 2006 at 7:30 p.m.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

AGENDA ITEM NO. 10 - ADJOURNMENT: - COUNCILMAN TIM HARRISON MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND THE MOTION WAS CARRIED AND THE MEETING ADJOURNED.



RUSTY CASTO, MAYOR

JOAN MCCLANAHAN, RECORDER

SABINE COUNTY HOSPITAL
P.O.

BOX 750
HEMPHILL, TX
75948 NITRO
FIRE
DEPARTMENT

P.O.

BOX 241 NITRO, WEST VIRGINIA 25143

To Whom It May Concern:

Let me express, on behalf of Sabine County Hospital Nursing Staff, our sincere gratitude for the professional services members from your company provided our community during the devastation following Hurricane RITA. This was the first time in our county's history for a hurricane to reach this far inland, No one was prepared for the destruction that would follow RITA, nor the additional 3500 people who flooded our small community in search of safety and medical care. Our hospital witnessed an increase of 500% from normal operations. The staff from Nitro Fire Department performed above and beyond anything that we imagined working with limited facilities. Their triage skills were superb and they assisted in so many aspects of patient care. We witnessed a wonderful bond form between your crew and other crews including the hospital staff and your medics went out of their way to make the best of every- situation.

You should be especially proud of these medics. Here in Sabine County we hold our hero's high and cherish what they mean to our community. The medics that represented your company are considered Hero's in our eyes. To them they were just doing their job, but they brought relief to a devastated community and for that you should be proud to have them on your staff.

Sincerely,

Shirley Naquin RN, DON

CITY OF NITRO
COUNCIL MEETING MINUTES

JANUARY 17, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 p.m. Present were Councilwomen at Large Brenda Tyler and Gertie Estep, Councilman at Large Bill Clark, Councilmen A.A. "Joe" Savilla, Bill Racer, Tim Harrison and Bill Javins. Also present were City Attorney Troy Giatras and Treasurer Tifney Terry. Recorder - Vacant Position.

AGENDA ITEM NO. 2 - INVOCATION / PLEDGE OF ALLEGIANCE - COUNCILMAN TIM HARRISON GAVE THE INVOCATION AND COUNCILMAN BILL JAVINS LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: - COUNCILMAN TIM HARRISON MOVED THE DECEMBER 20, 2005 AND JANUARY 3, 2006 MINUTES BE APPROVED, SECONDED BY COUNCILMAN JOE SAVILLA AND MOTION WAS CARRIED.

AGENDA ITEM NO. 4 - REPORTS:

A. ANNEXATION COMMITTEE: - Mayor Casto yielded the floor to Councilman Joe Savilla. Councilman Savilla reported that first meeting of the committee was held on January 10, 2006. Seventeen people were in attendance. Councilman Savilla stated he would be scheduling a meeting with the Civic Benefits Association.

COPY OF MINUTES ATTACHED

B. LEGAL ISSUES: - Mayor Casto yielded the floor to City Attorney Troy Giatras. Mr. Giatras reported he was working with Tifney Terry on the status of the WWII Tank. Still attempting to determine ownership.

E. FIRE DEPARTMENT REPORT: - Mayor Casto yielded the floor to Councilman at Large Bill Clark who read the year end Fire Department Statistics.

COPY OF FIRE DEPARTMENT REPORT ATTACHED

F. FINANCIAL REPORT: - Mayor Casto yielded the floor to Treasurer Tifney Terry. Tifney Terry reported that total receipts and debits for the months of July through December 2005. Receipts - July \$288,486.48 - August \$442,492.33 - September \$489,888.83 - October \$356,861.68 - November \$259,647.21 - December \$225,120.58. Debits - July \$235,983.10 - August \$518,243.62 - September \$379,756.44 - October

\$367,845.87 - November \$297,039.05 - December \$267,429.24.

Tifney Terry also reported that she had provided for members of council the December 2005 bank statement for the Parks & Recreation account. Balance for the account as of December 2005 - \$11,257.80. There was two deposits for the month of December in the amounts of \$950.00 and \$2,100.00. The \$2,100.00 was donated toward the Dewey Mann WWII War Memorial. The \$950.00 was a \$750.00 from Tri-State Racing and two \$100.00 contributions one from A-1 Refrigeration for Christmas Lights and one from Councilman Bill Clark for the city Christmas dinner.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. APPROVAL OF PAYMENT OF BILLS FOR DECEMBER 2005 IN THE AMOUNT OF \$100,132.50: - COUNCILMAN JOE SAVILLA MOVED THAT THE PAYMENT OF BILLS FOR DECEMBER 2005 BE APPROVED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK.

VOTING TO APPROVE WAS COUNCILMEN BILL JAVINS, TIM HARRISON, BILL RACER, JOE SAVILLA. COUNCIL AT LARGE BILL CLARK AND BRENDA TYLER. VOTING NO WAS COUNCILWOMAN AT LARGE GERTIE ESTEP. MOTION CARRIED.

B. APPOINT CITY RECORDER: - COUNCILMAN JOE SAVILLA MOVED THAT RITA COX BE APPOINTED TO SERVE AS CITY RECORDER. SECONDED BY COUNCILMAN TIM HARRISON. MOTION CARRIED.

AGENDA ITEM NO. 6 - NEW BUSINESS: -

A. SWEAR IN NEW CITY RECORDER - Mayor Casto swore in new City Recorder Rita Cox.

B. APPOINT PLANNING COMMISSION & ZONING BOARD OF APPEALS MEMBERS - Mayor Casto tabled appointments until next council meeting. Mayor Casto asked if any member of council wanted to replace former Councilman Mark Goodall on the Planning Commission. Councilman Bill Racer and Councilwoman at Large Gertie Estep both expressed an interest in serving on the commission.

AGENDA ITEM NO. 7 - QUESTIONS & ANSWERS: -

Councilman Bill Javins stated that he had attended the Annexation Committee meeting and looks forward to moving the City of Nitro forward.

Councilman Tim Harrison stated that he wanted to echo the statement of Councilman Javins. Councilman Harrison stated his concerns regarding the discontinuation of the Budget Digest awards and how it would impact municipalities and

communities.

Councilman Bill Racer stated he wanted to welcome the new City Recorder Rita Cox and stated that he looked forward to working with her.

Councilman Joe Savilla wanted to thank all of the people who participate in the process. Also, thank Bill Clark, Bill Javins and Tim Harrison for coming out to work on the Annexation Committee and helping to move the city forward.

Councilwoman at Large Gertie Estep wanted to thank everyone who put their name out to run for the position of Recorder.

Councilman at Large Bill Clark wanted to thank those who put their names in for the position of Recorder as well as those who came out for the Annexation Committee meeting. Councilman Clark also asked individuals to come out at the next meeting.

Councilwoman at Large Brenda Tyler also wanted to thank all of those who came out for Recorder. Mrs. Tyler wanted to say that it is difficult when you have more than one name for consideration it is not an easy job to decide which person best fit's the position. Mrs. Tyler also reported that she had received a call from the National Bicycle League and they would like to be at the next meeting to discuss the bicycle track in Nitro.

Recorder Rita Cox wanted to thank council for the confidence in her and that she plans to live up to that confidence. Mrs. Cox stated that she wants only good things for the City of Nitro.


AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES: - Mayor Rusty Casto announced the next regular council meetings will be held Tuesday February 7, 2006 and February 21, 2006 at 7:30 p.m.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

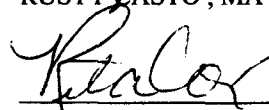
Keith Stathers rose to ask if the Statewide Meeting between the cities attorney and members of council regarding the lawsuit would be open to the public. City Attorney Troy Giatras stated that the meeting between he and council would not be open to the public as he would be offering legal opinion and advice to council.

Karen Fritz rose to ask when the Budget Meetings would begin. Mayor Casto informed Ms. Fritz that those have normally in the past started in February.

AGENDA ITEM NO. 10 - ADJOURNMENT: - COUNCILWOMAN AT LARGE BRENDA TYLER MOVED THE MEETING BE ADJOURNED, SECONDED BY COUNCILMAN AT LARGE BILL CLARK AND THE MOTION WAS CARRIED AND THE MEETING ADJOURNED.

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

RUSTY CASTO, MAYOR

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

RITA COX, RECORDER

Nitro Annexation Committee
First Official Planning Session
January 10, 2005, 7:30 p.m.
Nitro City Council Chambers

Councilman Joe Savilla, Chair

Mr. Savilla displayed maps of areas to consider for annexation. He stated that we need to identify the areas that we would like to annex. Also, that we need to put together a flyer to sell Nitro to surrounding areas showing what we can offer that will make them want to become a part of Nitro.

Kanawha County is beginning to push Metro government and smaller surrounding areas would benefit by being part of a larger incorporated city when metro government becomes a reality. If such areas are not incorporated, the larger metro system could swallow them up without a choice on their part.

Volunteerism by residents of Nitro was praised for the work done to keep the city clean, decorate for holidays, etc.

Mr. Savilla asked, "Where do we go first"? He stated that if Nitro is to survive, it must grow.

Forest Park residents approached Nitro City officials several months ago asking to be incorporated. It is estimated that 90% of the residents favor incorporation. It was agreed that this area should be first on the list for incorporation. In order to incorporate Forest Park, all contiguous areas in between would also have to be incorporated. It is not

feasible to incorporate a small area here, another there and another somewhere else. The area has to be contiguous.

The original areas were:

Area I – Sattes Circle toward Goff Mt.

Area II – Goff Mountain areas

Area III – Rock Branch Industrial Park

Area IV – Across Interstate and down Rt. 35

Fire Chief, Hedrick, spoke about response times for volunteer fire departments as opposed to response time from 24/7 trained, paid fire departments. Just last week a woman was burned to death in St. Albans due to the response time of a volunteer fire department (eleven plus minutes). If St. Albans' full time fire department had been called, this fatality may have been avoided. Hedrick stated that NFD is pushing for a 3-4 rating which would greatly reduce fire insurance. Fire insurance is already lower in incorporated areas with full-time fire departments.

Sgt. Savilla of the NPD added that the response time for that department is 5 minutes. The unincorporated areas of Rock Branch and Poca must rely on the Sheriff's Dept. for emergencies, and that can take up to 30 minutes depending upon where the deputies are at the time of the call. They only have a limited number of officers on duty at any given time to cover the entire county.

John Montgomery, a meeting participant, stated that he worries about what is going down the road every day in trucks, boats, etc.

*because of hazardous materials being transported
Note has a very good resp. not response time.*

Chair Savilla stated that we have talked to Randy McDavid and he is interested in getting a meeting scheduled with members of our committee to meet with his business committee members to work on annexation. At such a meeting the benefits of incorporation can be addressed.

John Grow from Leslie Equipment who attended the meeting stated that the people he talks with oppose annexation.

Chair Savilla also stated that Nitro has a great working relationship with the Kanawha County Commission. The Putnam County Commission on the other hand has not been as accommodating.

Councilman Clark stated that TGI Fridays does not want to be annexed. Stated that we may have to reduce B&O taxes with some new business and waive contractors' license fees – develop a graduated fee schedule to get things rolling.

Tiffany Terry stated that the B& O tax rate in Nitro by comparison is lower than all surrounding areas. This would be a good selling point to put on the flyer.

Councilman Harrison – There is a web site with up-to-date information about Nitro stats. He will check into it.

At the end of the meeting, Chair Savilla stated that he would call Randy McDavid to set up another meeting.

Nitro's growth would mean more federal dollars in grants to provide more services.

The meeting adjourned at 8:30 p.m.

Attendees

John Montgomery

John Grow

Ron Hoffman

Jean Hedrick

Chad Mathes

Debra Jordan

Charlton Jordan

Councilman Bill Javins

Chief Jack Jordan

Joan Savilla

Joe Savilla

Tiffany Terry

Councilman Bill Clark

Councilman Tim Harrison

Chief Ernie Hedrick

Lisa Harrison

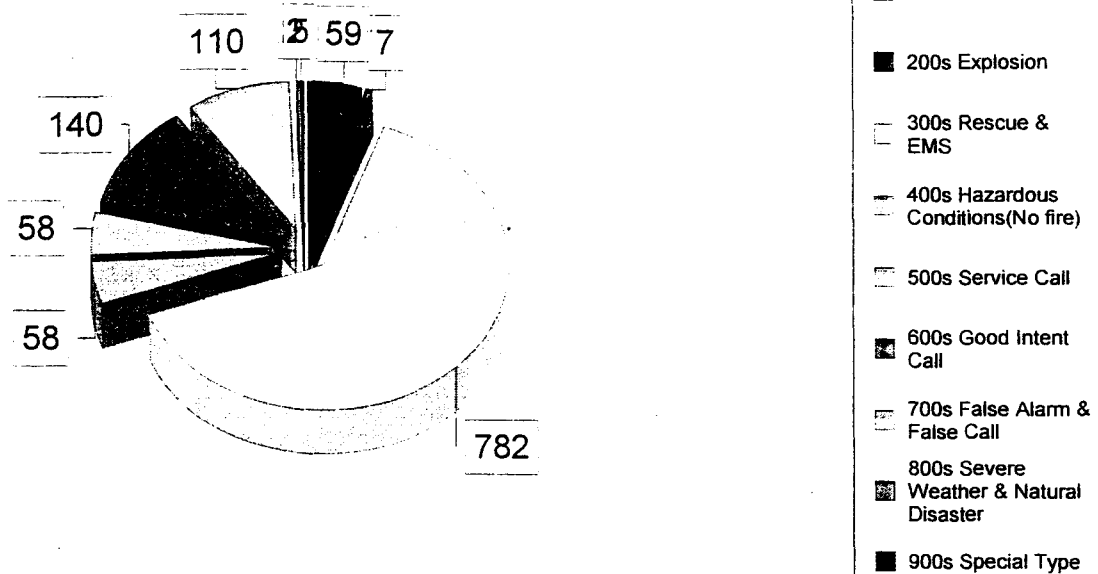
Sgt. J. Joseph Savilla

Print Date: 1/11/2006

Page 1 of 1

Nitro Fire Department

Incident Date in 1/01/2005 to 12/31/2005



Graphed Items are sorted by Incident Type

Type Of Incident:

100 Series-Fire
 200 Series-Explosion
 300 Series-Rescue & EMS
 400 Series-Hazardous Conditions(No fire)
 500 Series-Service Call
 600 Series-Good Intent Call
 700 Series-False Alarm & False Call
 800 Series-Severe Weather & Natural Disaster
 900 Series-Special Type

Total Of Incidents:

59
 7
 782
 58
 58
 140
 110
 2
 5

Percentage Value:

4.83%
 0.57%
 64.05%
 4.75%
 4.75%
 11.47%
 9.01%
 0.16%
 0.41%

Grand Total: 1,221

Type Of Incident Most Frequent: 300 Series-Rescue & EMS

CITY OF NITRO
COUNCIL MEETING MINUTES
FEBRUARY 7, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: - Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Councilwomen at Large Brenda Tyler and Gertie Estep, Councilman at Large Bill Clark, Councilmen A.A. "JOE" Savilla, Bill Racer, Tim Harrison, and Bill Javins. Also present were City Attorney Troy Giatras, Treasurer Tifney Terry and City Recorder Rita Cox. (Councilwoman Estep arrived late due to a family health concern).

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE - COUNCILMAN JOE SAVILLA GAVE THE INVOCATION AND COUNCILMAN BILL JAVINS LED THE PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN BRENDA TYLER MOVED THE JANUARY 17, 2006 MINUTES BE APPROVED, SECONDED BY COUNCILMAN BILL RACER AND MOTION WAS CARRIED,

AGENDA ITEM NO. 4 - REPORTS

A. SPECIAL PRESENTATION-Jim Stowers, Deputy Director of Office of Emergency Medical Services presented Certificates of Recognition and ribbons to the following Firemen for their work in the aftermath of Hurricane Katrina: SHAWN ALDERMAN, COREY DEAN, JEFF ELKINS, ERNIE HEDRICK, RONNIE KING, DAVID MILLER, JIM RIFFLE, CHAD MATHES AND CASEY MATHES. Chief Hedrick spoke of pride in his men and appreciation for the sacrifices they made. They received a standing round of applause from the Mayor, Council Members and those in attendance. Mayor Casto publicly commended the fire department for the recent response to the fire at International Filler. Councilwoman Tyler added that County Commissioner Kent Carper had complimented the Nitro Fire Dept. response to that fire also.

B. FIRE DEPT. FUNDRAISER - Jim Riffle presented plans for photo coupons to be sold as a Fire Dept. fundraiser March 12 through March 19. Joe Savilla moved that Council approve the fundraiser, seconded by Brenda Tyler and motion was carried.

C. Citizens of the Month - Mayor Casto yielded the floor to Brenda Tyler who presented Bill and Frances Fortune. They showed a video profiling the work that was done to put together Christmas baskets and gifts for families during the Christmas season in 2005. There were 50,000 donated food items as well as gifts. The Fortunes were honored as February Citizens of the Month. Also recognized were Sherry King, Debbie Jordan and the members of the Police and Fire Dept. who worked on the project.

D. Parks and Recreation - Councilwoman Tyler recognized Wayne Fleshman who presented two choices for Nitro Antique Days. Mr. Fleshman stated he would like to see Nitro become the Antique Capital of West Virginia. Tim Harrison suggested a committee be formed to work up a budget for a presentation to the Kanawha Co. Commission. Joe Savilla moved that the Fair be held the weekend of June 2 and 3 and included a proposed committee in the motion. It was seconded by Councilman Bill Racer. The motion carried.

Parks and Recreation- Councilwoman Tyler stated that Donna Smith representing the National Bicycle League wants to renew the lease on the bicycle track at the Nitro Park. Councilwoman Tyler pointed out that interest in the sport seems to be waning. Ms. Smith countered that BMX will be featured

in the 2008 Olympics so interest will be on the upswing. They asked for a 3 yr. contract with the city.

Ms. Smith pledged that the track would be upgraded and self supporting. The contract would be with the National Bicycle League and not with the parents group. According to Councilwoman Tyler the agreement is for the track to remain open for public use when not used by the National Bicycle League. Councilman Clark moved that the lease be given for one year. Councilman Savilla seconded the motion. Councilman Harrison amended the motion to include one member of council, Mr. Clark, be a member of the National Bicycle League Committee. The motion carried.

E. Annexation Committee - Councilman Savilla reported on the Forest Park Association meeting on Feb. 5. The meeting was attended by Councilmen Savilla, Clark, and Harrison, along with Treasurer Tifney Terry, City Recorder Rita Cox, Police Chief Jack Jordan, and City Fireman Ronnie King. The meeting enabled the city representatives and Association members to find some common ground. Questions were answered and plans were made for another meeting in the future. Invitations to attend would be extended to the members of the Putnam County Commission. Members of the Civic Benefit Assoc. want to help with moving the talks ahead.

F. Paving Committee - Councilman Javins met after Jan. 17 council meeting. A.J. Hill of Public Works Dept. was asked to name the 10 worst streets in Nitro and council members were asked to name the 4 worst streets in their wards. The committee is to meet after the current council meeting to begin discussion on the priorities and some cost figures to possibly be presented at next council meeting.

G. Legal Issues - Troy Giatris reported that he would be meeting with representatives of Statewide, Mayor Casto and Councilman Racer to come to some understanding of the issues with Statewide Development. Mayor Casto asked if Mr. Giatris had been contacted by the DNR concerning the proposed boat launch. He stated that he had a conversation with Ms. Balderson, an attorney. There is still some question about liability about what is possibly under the ground. Councilman Harrison moved that Bill Javins head the boat launch committee assisted by Mayor Casto. Brenda Tyler seconded the motion. The motion carried. Mr. Giatras introduced John Little, a new employee with his law office who could be dealing with Nitro legal issues.

H. Financial Report - Tifney Terry presented Jan. bank statements. Councilwoman Estep had a question concerning the amount allotted for miscellaneous spending on the current budget, \$76,000. Ms. Terry said she would do a specific breakdown of that revenue. Councilwoman Estep addressed a question concerning the budget and revenue. Ms. Terry suggested that Councilwoman Estep meet with her in City Hall to address these numbers. The City Treasurer assured members of council that the city was not operating in the "red". Councilman Harrison addressed the expenditure of money for an election item. He also asked about an agreement the city has with the Nitro Development Authority concerning the rental of space. Ms. Terry stated she had received a letter from the NDA saying the city has overpaid on the rent. The overpayment will be applied to future rents.

AGENDA ITEM NO.5 - OLD BUSINESS

- Mayor Casto said appointments to the Planning Commission and Zoning Board of Appeals will be held over to the next meeting.

AGENDA NO. 6 - NEW BUSINESS

A. City Treasurer Terry approached council about the payment of bills for the month of January in the amount of \$215,307.99. Councilwoman Estep raised a question but indicated she would talk with Tifney Terry in her office about questions of Dec., 2005 and Jan. 2006. Brenda Tyler moved to approve payment, Joe Savilla seconded the motion. The motion carried with Gertie Estep opposing.

B. Appoint Finance Committee - Council discussed makeup of finance committee. Treasurer Terry suggested a committee be formed to meet with department heads to work on budgets for next year. This committee would get budget ready to present to council. Mr. Clark moved that a committee be formed

with the at-large council, city recorder, mayor and treasurer, who would meet with dept. heads to bring budgets back to council. Mr. Racer expressed some concern with these procedure, as did Councilwoman Estep and Councilman Savilla. Councilman Racer did want some input with the budget process. Ms. Cox Seconded Mr. Clark's motion. After some discussion the motion carried. Mr. Harrison expressed his concern about the make-up of the budget committee.

AGENDA NO. 7 - QUESTIONS AND ANSWERS

Mr. Harrison addressed council concerning the membership in the West Virginia Municipal League and recommended that they avail themselves of the advantages of membership.

Councilman Savilla brought up a request from Carriage Way for new street lights. He expressed his belief that all council should be involved in the budget process.

Councilwoman Estep agreed with Joe Savilla.

City Recorder Rita Cox thanked all in City Government for making her feel welcome.


AGENDA ITEM 8 - ESTABLISHMENT OF MEETING DATE

The next meeting date is Tuesday, February 21, 2006.

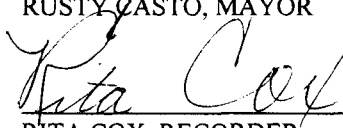
AGENDA ITEM NO. 9 - PUBLIC FORUM

There was no public comment.

AGENDA ITEM NO. 10 - ADJOURNMENT Councilman Racer moved to adjourn, seconded by Councilman Savilla, motion carried, meeting adjourned.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES

FEBRUARY 21, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen Bill Racer, Tim Harrison, and Bill Javins. City Recorder Rita Cox, City Attorney Troy Giatras, and Treasurer Tifney Terry were present. Absent was Councilman A.A. "Joe" Savilla.

AGENDA ITEM NO. 2 - INVOCATION AND PLEDGE OF ALLEGIANCE - The Invocation was given by Ivan Meadows and Councilman Bill Javins led the Pledge of Allegiance.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES - Councilwoman Brenda Tyler moved the February 7, 2006 minutes be approved, seconded by Councilman Tim Harrison and the motion carried.

AGENDA ITEM NO. 4 - REPORTS:

A. SPECIAL PRESENTATION - David Hite of Kemron presented a report entitled Future Responsibilities of Applicants. The presentation highlighted what remains to be done concerning the FMC landfill property on Main Avenue. The Miller residence is to be demolished, completion of cap at Miller and Loring properties, cleaning of storm drain and ditch and standing water near DeWeese property. Also agreements need to be reached between FMC and the City of Nitro for cost sharing for the future and between the WV Dept. of Natural Resources and the City of Nitro for boat ramp installation and maintenance. Included will be monitoring and maintenance of groundwater and possibly surface water. There will need to be an agreement with the City of Nitro in the form of a Land Use Covenant or City Ordinance restricting use of nonresidential, specifically no residential housing, nursing home, daycare, or recreational use. No enclosed structures will be permitted. Certain provisions can cause the case to be reopened. Those include fraud, new information about unknown contamination, significant increase in the risk level due to changes in exposure conditions, new technology in treatment (for sites where the contamination occurred after July 1, 1996), and failure of the remediation method to meet the standard identified in the Voluntary Remediation Agreement. If one of the reopened provisions is triggered, the current owner and or operator has 60 days from the time of notification (of from a final order if the determination is appealed) before the Certificate of Completion is null and void. The current owner and or operator has the opportunity to enter into a Voluntary Agreement

with the Director to be sure the property meets the appropriate standard as determined by The Director. Remaining are primarily legal questions. Councilman Clark questioned how long the wells are to be monitored. Mr. Hite replied that Kemron would plan to monitor quarterly for approximately two to three years and then possibly reduce the number of well, keeping a watch on storm drains. Mayor Caſto stated that basically the agreement would amount to the City of Nitro maintaining above ground and FMC maintaining below ground. Mr. Hite stated that the Smith St. well is the only one that has ever shown any contamination. Councilwoman Tyler asked if the City of Nitro could expect a completion of the boat ramp by 2007. Mr. Hite replied that the grant process could move slowly and that was a reasonable target date. Councilman Harrison asked if the map of the site could be reduced for constituents and Mr. Hite replied that he would do that. Councilman Clark stated that he wanted the burden of maintaining the site put on FMC and not on the city.

B. LEGAL ISSUES- City Attorney Troy Giatras reported that he had met with Lisa Balderson, attorney for FMC concerning agreements for the Smith St. Landfill property. They are near an agreement and will present it to Council upon its completion. He also addressed the need as expressed by Council for a Graffiti Ordinance. He is in the process of looking at what other cities in the area have written on this matter and will report again at a future date. He reported about a possible future lawsuit concerning Statewide. The City is looking at a possible cost of \$22,000 to \$50,000 to prosecute to recapture money spent on the silt cleanup. He told Councilman Harrison that he would have information delivered concerning annexation information from the Circuit Clerks office. Councilman Harrison asked for information on the status of the transfer of property on the corner of Hickory and Dupont. It is possible that this property will be green space in the Brownsfield project.

AGENDA ITEM NO. 5-OLD BUSINESS - APPOINT PLANNING COMMISSION AND ZONING BOARD OF APPEALS MEMBERS: The following people were appointed to the commission Margaret Hudson, Kermit Thompson, John Montgomery and Rita Cox, who will be the City Council Representative. Councilman Clark moved the names be accepted, Councilwoman Tyler seconded and the motion carried.

AGENDA ITEM NO. 6 -NEW BUSINESS

A. APPROVE PURCHASE OF HEATERS FOR CITY GARAGE- City Treasurer Tifney Terry told Council of the immediate need for space heaters for the City Garage. The purchase would be \$2000 each for four infrared tube heaters from Virginia Air. Councilman Harrison moved we approve the purchase, the motion was amended to waive the B & O tax on the purchase, seconded by Councilman Racer. The motion carried.

B. APPOINT FINANCE COMMITTEE CHAIRMAN-SCHEDULE MEETING DATES-Councilman Clark moved that Councilwoman Brenda Tyler be appointed chairman of the Finance Committee in preparation for creating a budget for 2006-2007.

Councilwoman Tyler set two dates for meetings with department heads: Friday, February 24 at 3:00 pm and Thursday, March 2 at 3:00 pm. The meetings will be held in Council Chambers. Councilman Racer stated that the time was not always convenient for working people to attend and Councilman Harrison added that he thought the public would like to attend. Councilwoman Estep expressed a concern that not all Council Members would be able to have input into the budget process. Councilwoman Tyler explained her concept of what the Finance Committee would do, which included meeting with department heads and then presenting their budget needs to the full Council. Treasurer Terry said she had already initiated informal meetings with department heads.

AGENDA ITEM NO. 7-QUESTIONS AND ANSWERS

Councilman Javins updated Council on his meeting with A.J. Hill of Public Works concerning paving. They have targeted six to eight streets in very bad condition. Two specific streets that may have grant money approved are 18th St. Hill and Michigan Avenue. Then they will target four to six streets in immediate need.

Councilman Harrison discussed the Brownfields' application and said it was being taken very seriously.

Councilman Racer asked about the salt spreaders that were given to the city and was told by City Treasurer Terry that they are in excellent shape and are at the City Garage waiting to be used.

Councilwoman Estep had no public comment.

Councilman Clark asked about the distance run held earlier in the month and was told by Councilwoman Estep that it was highly successful in spite of the snowy weather with participation by walkers, runners, and wheelchairs.

Councilwoman Tyler reported on a meeting she attended with the N D A (Nitro Development Authority). There is to be a public meeting Monday, March 27 at 6:00 in the Katy Mattea Auditorium. All Council members are invited to attend as well as business owners in anticipation of again forming a business association. A Recreation Committee meeting will be announced at a future date.

City Recorder Cox commended the superior response to the fire on 1st Avenue and 29th St. on Friday, Feb. 17. The Nitro Fire and Police Departments kept a potentially catastrophic situation to a minimum and prevented the spread of the fire in the vacant building. Mayor Casto agreed and asked Fireman Casey Mathes for an update. He gave a detailed explanation of the fire and the city response. He also commended Fireman Dean for his assistance in rescuing a victim at a St. Albans fire on Sunday, Feb. 19. Councilwoman Tyler pointed out that much of the bunker gear that the City Firemen wear is becoming worn due to heat exposure and presents a safety hazard.

Councilwoman Tyler presented a check to Treasurer Terry for \$100 for the Recreation Committee.

AGENDA ITEM NO. 8- ESTABLISHMENT OF MEETING DATE

Council will meet Tuesday, March 7, 2006 and Tuesday March 21, 2006. Both meetings are at 7:30.

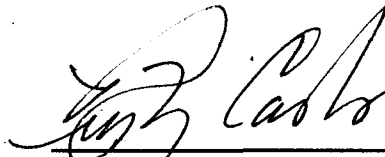
AGENDA ITEM NO. 9-PUBLIC FORUM

Keith Stathers addressed council asking for specific budget information. Treasurer Terry asked him to submit a FOIA for this information. He also asked Mr. Giatas questions about the city's ability to get money to repay Ka. Co. Commission the \$38,000 spent to cleanup the Statewide Development Site. City Attorney Giatras informed him that the insurance company representing Statewide would be approached.

Ken Fritz commented on FOIA documents he had received from Treasurer Terry.

AGENDA ITEM NO. 10-ADJOURNMENT

Councilman Clark moved for adjournment, Councilman Racer seconded and the motion carried.



Rusty Casto, Mayor

Rita Cox, Recorder

CITY OF NITRO
COUNCIL MEETING MINUTES

MARCH 7, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order at 7:30 pm in Council Chambers. Present were Councilwomen Gertie Estep and Brenda Tyler, Councilmen Bill Javins, Bill Clark and Bill Racer, Recorder Rita Cox, Treasurer Tifney Terry, and Attorney John Little representing City Attorney Troy Giatras. Absent was Councilman Tim Harrison.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto called for a moment of silence in honor of the death of Nitro citizen Fred Cantrell. Councilman Savilla gave the invocation and the pledge was led by Councilwoman Estep.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: Councilman Clark moved the February 21, 2006 minutes be approved, seconded by Councilwoman Tyler. The motion carried with Councilman Savilla abstaining because of his absence from that Council meeting.

AGENDA ITEM NO. 4 - REPORTS:

A. KEMRON - The representative from Kemron was not present and his presentation was tabled until the next regularly scheduled council meeting. Doug and Patty Stewart reported on the 5k Valentine Run held in February. The race had approximately 75 participants in spite of snowy weather. The race raised \$4500. The charities benefiting from the money are the Nitro Care and Share, the Cross Tyler Food Pantry and a seniors program. The Stewarts especially praised the Nitro Police and Fire Departments for their support and assistance as well as Councilwoman Estep and Councilman Harrison and his wife and Mayor Casto. They expressed an interest in sponsoring another 5k run to be held in the fall possibly in connection with another citywide event.

B. FIBERNET- Delta Murray presented information about Fibernet for Council's consideration as a local exchange carrier for phone service. She was accompanied by David Fisher. Her proposal compared the service costs the city would incur with Fibernet as opposed to the current carrier, Verizon. According to the proposal the monthly cost would be \$928.20. The city is currently paying Verizon a monthly cost of \$1836.37. The proposed service agreement would be for three years with the prices staying the same. The proposal she presented would save the city \$10,000 over the course of one year. Fibernet is a West Virginia based company. Councilman Savilla asked for any literature that was available for Council so that Fibernet could be considered. COUNCILMAN SAVILLA MADE A MOTION THAT A COMMITTEE BE FORMED TO CONSIDER THE FIBERNET PROPOSAL Councilwoman Tyler

seconded the motion. The motion carried with unanimous approval. The Mayor stated he would chair the committee and appointed Recorder Cox, Councilwoman Tyler and Treasurer Terry to the committee. Councilman Clark stated that he used Fibernet service in his business and was extremely satisfied and had experienced a cost savings. Fibernet has among its customers the cities of Charleston and Huntington, WVU and Marshall University.

C. LEGAL ISSUES: Attorney John Little reported for City Attorney Troy Giatras. There is a meeting scheduled for March 14, 2006 with Linda Balderson, the attorney for FMC, concerning the boat ramp on the Kanawha River at the Smith St. landfill property. He also reported that there is an issue concerning the property in the Brownsfield area. The attorney is in the process drafting a letter concerning the Statewide development issue. A draft of the proposed graffiti ordinance should be ready this week. Councilman Javins requested that the issues with the boat ramp be resolved between the two parties so that the city would be in a position to request grant money.

D. FINANCE COMMITTEE: Councilwoman Tyler reported that the committee was unable to finalize their report due to the fact that Putnam and Kanawha Counties did not provide the final revenue numbers until Monday, March 6, 2006 after business hours. Because of this the finance committee will meet on Thursday, March 9, 2006 at 3:00 pm in Council Chambers. Because of this Councilwoman Tyler expressed a need for an additional council meeting to meet the requirements set by law. COUNCILWOMAN TYLER MOVED THAT COUNCIL MEET TUESDAY, MARCH 14, 2006 IN COUNCIL CHAMBERS AT 7:30 TO DISCUSS BUDGET ONLY. The motion was seconded by Councilman Javins. The motion carried.

E. RECREATION COMMITTEE: Councilwoman Tyler presented a check to Treasurer Terry for \$100 as a donation for the Recreation Committee. Councilwoman Tyler reported that the committee has a goal to raise funds to pay for Christmas lights. The cost will be approximately \$15,000 for 80 pieces. She made a plea for donations to cover the cost. Councilman Savilla made it known that the lights would not be paid for by city funds.

F. FINANCE REPORT: Treasurer Terry reported that according to the most recent bank statement for the City of Nitro, the total credits are \$315,912.34 and the total debits are \$247,482.15. She presented the Accounts Payable Check Register Report for Councils approval. COUNCILMAN CLARK MOVED THAT WE ACCEPT THE REPORT. It was seconded by Councilman Savilla. Councilwoman Tyler, Councilmen Javins and Savilla, and Recorder Cox voted for the motion. Councilwoman Estep and Councilman Racer voted against. The motion carried.

AGENDA ITEM NO. 5 - OLD BUSINESS: Mayor Casto announced he needed two members for the Planning Commission and asked for input on possible candidates.

AGENDA ITEM NO. 6 - NEW BUSINESS: Mayor Casto stated he had heard recently from Harry Keller of the Kanawha County Ambulance Authority that the current four year term of appointee Harry Miller was about to expire. Mayor Casto expressed an interest in reappointing Mr. Miller to the position. After some discussion concerning

other possible appointees, it was determined that Harry Miller has an expressed interest and a knowledge of the subject matter. COUNCILMAN SAVILLA MOVED THAT HARRY MILLER BE APPOINTED TO A FOUR YEAR TERM ON THE KANAWHA COUNTY AMBULANCE AUTHORITY. Councilwoman Tyler seconded the motion. The motion passed unanimously.

B. The payment of bills for the month of February 2006 in the amount of \$181,202.92 was passed earlier under the FINANCE REPORT.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS: Mayor Casto announced that a spaghetti dinner and talent show would be held March 25, 2006 at 5:00 in the Community Center to raise money for the Nitro Explosives and War Museum. The cost is \$5.00 per person and that includes dinner from 5:00 to 6:45 pm and performances by Charlton Jordan, et al in the Kathy Mattea Auditorium beginning at 7:00 pm. There will also be guided tours of the Museum offered.

Mayor Casto told Council of a letter he had received from Kathy Mattea thanking the City of Nitro for honoring her in the 2006 City Calendar. COUNCILWOMAN ESTEP MOVED THAT A COPY OF THE LETTER FROM KATHY MATTEA TO MAYOR CASTO BE INCLUDED IN THE COUNCIL MINUTES FOR THIS DAY. Councilman Clark seconded the motion. The motion passed with a unanimous vote.

Councilman Javins asked about money for paving in the city and Mayor Casto said we should know within a week whether we were going to get funding for 18th St. Hill and Michigan Avenue.

Councilwoman Estep expressed concern for Councilman Harrison's health due to his absence from Council. It was stated that his wife was ill.

Councilwoman Tyler announced that St. Paul's Methodist Church on 20th St. would be hosting a free lunch on Wednesday, March 8, 2006. Also there is to be a fish dinner on Friday, March 10, 2006 to raise money for mission work.

City Recorder Cox presented Council with a copy of the NITRO FIRE DEPT./CERTIFICATE OF OCCUPANCY form that will be used for new businesses. Fire Chief Ernie Hedrick developed the form to be used when working in conjunction with Bryan Casto of the Building Department in signing off on new businesses.

AGENDA ITEM NO. 8-ESTABLISHMENT OF MEETING DATE

Council will meet at 7:30 pm, March 14, 2006 for Budget only.

Council will meet at 7:30 pm, March 21, 2006 for regularly scheduled meeting.

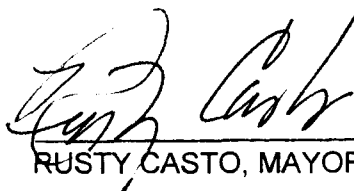
Council will meet at 7:30 pm, April 4, 2006 for regularly scheduled meeting.

All meetings will be in Council Chambers.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Bob Schamber notified Council that he is now President of the Nitro Advisory Council. He also stated that he would continue to pass on The Wall St. Journal to the Nitro Library. Mr. Schamber made a personal donation to the Recreation Committee of \$1000 to help pay for the Christmas lights. He also reported that the Nitro Senior bingo games were bringing in more revenue than it had in the past. Some adjustments were made in costs and the type of games. Councilwoman Estep talked about how important the fellowship and food was for the Nitro Senior Citizens

Nitro citizen Ron Hoffman questioned the system for paying bills in the city. Treasurer Terry stated that this is the system that has been in place for some time. Several people in attendance acknowledged that this is a common practice to pay the bills and then to go through the formality of Council approval.

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILMAN CLARK MOVED THAT THE MEETING BE ADJOURNED. Councilwoman Tyler seconded the motion. The motion carried.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

Dear Rusty -

My father Joe sent along
206 Calendar, with the lovely
dedication on it. The picture ~~of~~
the water tower reminds me of an
family story from when Joe grad.
in '64 - Evidently they hung for
guy from the side and were going
leave him there overnight (during
annual "Seniors Paint the Water Tower" ~~we~~ →

Luckily, mom (and some other parents)
intervened! I'll have to ask him
about it sometime...

Thanks again,

Tim Miller

CITY OF NITRO
COUNCIL MEETING MINUTES
MARCH 14, 2006

AGENDA ITEM NO. I - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Rita Cox, Councilwomen Gertie Estep and Brenda Tyler, Councilmen Bill Racer, Bill Javins, Bill Clark and A.A. "Joe" Savilla. Also present was City Treasurer Tifney Terry. Absent were Councilman Tim Harrison and City Attorney Troy Giatras.

AGENDA ITEM NO. II - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto asked Councilwoman Tyler to lead the invocation and to remember Ivan Meadows' Mother in her prayer. She is ill and in the hospital. Councilwoman Tyler also remembered Thelma Walls who is having health problems. The Pledge of Allegiance was led by Councilman Bill Javins.

AGENDA ITEM NO. III - DISCUSSION OF 2006-2007 BUDGET- Mayor Casto yielded the floor to Councilwoman Tyler, as Chairwoman of the Finance Committee. She addressed the fact that the Council members have been receiving copies of the budget as updated by the Finance Committee. She stressed that all the budget information was only a proposal and was subject to the full approval of the entire Council. Councilwoman Tyler proposed that the Council go over the budget information given to them most recently. The first item considered was Revenue and all the sources for the city of Nitro. The revenue sources for Nitro are property tax, building permits, inspection fees, Par Industries, B&O tax, THF Realty B&O tax, utility tax, parks and pool, liquor tax, business licenses, dog track, interest income, Civic Benefits Assoc., rent income, court costs, library fees, municipal service fee, franchise fees, and coal severance. The city is then reimbursed with insurance, city calendar, fire truck, hospitalization, police wages, and one reimbursement in the miscellaneous category. The Total projected revenue for the next year is \$4,328,870. Last year the revenue was \$4,071,346. Councilman Savilla pointed out the difference was roughly \$257,000. Councilwoman Tyler noted that there was no change in the Mayor's budget from last year. The next area covered, City Council budget had one change: the amount to be given to the Senior Citizens was recommended to be dropped from \$20,000 last year to \$10,000. Councilman Savilla asked why this amount was decreased and Councilwoman Tyler responded that it was done to give more money toward salary increases for city employees. She also noted that the city pays the salary of one employee at the Senior Center. Councilman Savilla asked if we were paying that salary last year. Councilwoman Tyler responded yes. Councilwoman Estep noted that what was really needed was the rent paid at the Community Center which is \$2200 per month. Bob Schamber of the Senior Center made a proposal that the city pay the rent on the Community Center and then the Senior Center reimburse the city for the cost of the employee's salary. He stated that this would cut the expenses of the Senior Program and give them an outlet for a contribution (the Salary of the employee) which they are required to do. Treasurer Terry said that would be a

possibility to do. The total amount for the employee was not immediately available but it was believed to be approximately \$1800. Councilwoman Tyler said that the city should be reimbursed for the full amount of the employee's pay and benefits and the city pay rent for the Senior Center at \$2200 per month. COUNCILWOMAN TYLER MOVED THAT THE PROJECTED BUDGET FOR CITY COUNCIL BE CHANGED TO \$26,400 FOR THE SENIOR CITIZENS. COUNCILMAN CLARK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Councilwoman Tyler stated there was no change in the budget for the City Recorder. Councilman Savilla stated that he might want to return to that page of the budget.

Councilwoman Tyler then came to the budget for the Treasurer. The changes in that are the amount to Workers Compensation and a line item was added for \$4000 for training. Councilman Racer asked what type of training was involved. Treasurer Tifney Terry said that was primarily for grant writing training.

The Building Dept. budget, according to Councilwoman Tyler, reflected a salary increase for the Building Inspector and an increase in the assistants salary to \$7.50/hr. Councilman Savilla inquired about whether Nitro shares the Building Inspector with the town of Poca. Treasure Terry stated that does happen. Some discussion took place concerning how it is paid. Treasurer Terry stated that Poca had talked about some type of reimbursement. Councilman Savilla also brought up the liability and use of the City vehicle in performing this job. Treasurer Terry discussed needing to draw up some agreement with Poca involving City Attorney Troy Giatras. Councilman Clark said that the issue of liability needs to be addressed.

The City Hall budget includes a salary for the Accounts Payable Clerk of \$20,800 and Payroll Clerk, \$21,840, according to Councilwoman Tyler. The Office Manager would receive \$18,000 and the Custodian \$6610. Councilman Savilla asked about the Office Manager's salary. He said that this was the first time he had heard about this amount. He thought that the Council had approved \$2500 at one time to pay to the Recorder to manage City Hall. Councilman Clark thought this had been Treasurer's salary. Councilwoman Tyler asked the City Recorder to try to find the minutes that reflected this salary approval. Councilwoman Tyler said that former Treasurer Ralph Allison had approached her concerning this change and all that was needed was the documentation. The budget proposal would be changed in the amount of \$12,480 that had been set aside for the cook at the Senior Center plus the amount for retirement and FICA. This budget also reflects an increase \$20,000 for Office Equipment for the new computer system that is to be implemented and for a new copier.

Councilwoman Tyler said the Police Dept. budget reflected a 5% increase for all police officers and personnel, an increase in the Chief's salary to \$50,000, increase in Recorder Clerk to \$10.50 per hr. The budget also pays a mechanic, ½ salary for humane officer and school crossing guard. Councilman Savilla questioned that a crossing guard

is supposed to be in place on 40th St. and Bailes Dr. Councilman Clark said he thought that 40th St. had a greater need for a crossing guard than 19th St. Councilwoman Estep said that the school normally has a teacher at the school crossing.

The Municipal Court budget, according to Councilwoman Tyler, reflects a 5% increase for the Municipal Court Clerk and also the removal of \$1200 for office space for the judge because it is no longer needed. Councilwoman Estep asked about the \$1000 for juror fees. Captain Javins said that a jury trial could be requested.

According to Councilwoman Tyler the Fire Dept. budget reflects a 5% pay increase for Firemen and the Chief's salary would increase to \$45,000. The Capital Outlay would increase to \$5248 for payments on the Fire Dept. vehicle. The balance would remain unchanged from the previous year.

The Public Works budget reflects a 5% increase for all full time employees, according to Councilwoman Tyler. It also reflects a decrease in the landfill fees from \$205,000 last year to \$175,000.

The Pool budget remains unchanged from last year.

The Library budget reflects a salary increase of 4%, which is what was requested with the city picking up the salary for a 20 hr. position. This will allow the library to remain open five days a week. There is also an increase in education/training from \$375 to \$520. Maintenance is increased from \$600 to \$1000 and the amount for new books would go from \$3000 to \$3790. There is also a capital outlay for \$10,000 to replace the heating and cooling system. There was a correction on contract services from \$2500 to \$9734. Treasurer Terry said that there was \$7000 that could be taken from departmental supplies for City Hall. That would make the total library budget \$71,725.

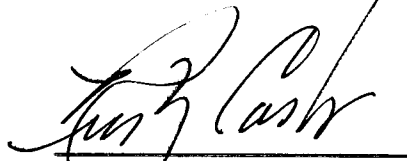
Mayor Casto thanked Councilwoman Tyler and the rest of the Budget Committee for the work they had done in preparing the budget. Councilman Racer asked if he had received the money he had requested for paving and was told by Councilwoman Tyler that the money was there. COUNCILMAN CLARK MOVED THE BUDGET BE ACCEPTED AS PRESENTED BY THE FINANCE COMMITTEE AND ANY CHANGES BE MADE INDIVIDUALLY. The Motion was seconded by Councilman Savilla. The council voted to accept the motion. The floor was opened to discussion of the budget. Councilwoman Estep expressed a desire to have some time to look the budget over. Councilman Racer agreed that he had not had sufficient time to look over the budget. COUNCILMAN SAVILLA MOVED TO TABLE THE BUDGET UNTIL THE NEXT MEETING. CITY RECORDER COX SECONDED THE MOTION. THE MOTION PASSED,

AGENDA ITEM NO. IV - ESTABLISHMENT OF MEETING DATE:
The next Council meeting will be Tuesday, March 21, 2006 and following that the next

meeting will be Tuesday, April 4, 2006.

AGENDA ITEM NO. V - PUBLIC FORUM: Ron Hoffman asked about street lighting, concerning billing and contracting, Mayor Casto said it depended on the type of light it is. He also asked about a future meeting in April concerning setting the levy and if there is to be a tax increase. Councilwoman Tyler answered that there is no tax increase.

AGENDA ITEM NO. VI. ADJOURNMENT: COUNCILMAN CLARK MOVED FOR ADJOURNMENT. COUNCILWOMAN TYLER SECONDED THE MOTION. THE MOTION PASSED.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

CITY OF NITRO
COUNCIL MEETING MINUTES
MARCH 21, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were City Recorder Rita Cox, Councilwomen Brenda Tyler and Gertie Estep, Councilmen Bill Clark, Bill Javins, Bill Racer, Tim Harrison, A.A. "Joe" Savilla, City Attorney Troy Giatras, Treasurer Tifney Terry.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Jay Long and the Pledge of Allegiance was led by John Montgomery.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: Mayor Casto presented the Minutes for the March 7, 2006 regularly scheduled meeting for approval. COUNCILMAN "JOE" SAVILLA MOVED THEY BE APPROVED, SECONDED BY COUNCILMAN BILL RACER. COUNCILWOMEN GERTIE ESTEP AND BRENDA TYLER, CITY RECORDER RITA COX, COUNCILMEN "JOE" SAVILLA, BILL CLARK, BILL JAVINS, AND BILL RACER VOTED TO APPROVE THE MINUTES. COUNCILMAN TIM HARRISON ABSTAINED FROM VOTING,

Mayor Casto presented the Minutes for the March 14, 2006 Budget Meeting held by City Council. COUNCILMAN BILL CLARK MOVED FOR APPROVAL OF THE MINUTES, SECONDED BY COUNCILMAN "JOE" SAVILLA. VOTING FOR APPROVAL OF THE MINUTES WAS COUNCILWOMEN GERTIE ESTEP AND BRENDA TYLER, CITY RECORDER RITA COX, COUNCILMEN "JOE" SAVILLA, BILL CLARK, BILL JAVINS, AND BILL RACER. COUNCILMAN TIM HARRISON ABSTAINED FROM VOTING.

AGENDA ITEM NO. 4 - REPORTS:

A. Citizen of the Month- Mayor Casto presented as March Citizens of the Month the Museum Board of the Nitro World War I Museum. The members of the board are Delmar Bird, Jay Long, Shelly Kostelansky, Bryan Casto, Brian Smith, Nathan Wills, Gary Blankenship, and Chris Postlewaite. Mayor Casto credited the Board with the hard work that they do. Board President Jay Long addressed Council and invited the citizens to come to the Spaghetti Dinner on Sat. March 25, 2006 which is a fundraiser for the Museum. He also introduced the other Board members who were present: Bryan Casto, Nathan Wills and Delmar Bird.

B. Boat Launch - Mayor Casto reported that he and City Attorney Troy Giatras had met with representatives of FMC and Department of Environmental Protection within the past week concerning the Boat Launch at the Smith St. Landfill. Mayor Casto

Presented Council with a copy of the Estimated Project Schedule/Voluntary Remediation Program and Boat Launch Construction/ Nitro Sanitation Landfill/Nitro, WV and a copy of Action Items/ Voluntary Remediation Program and Boat Launch Construction/Nitro Sanitary Landfill. He expressed a desire to have both papers entered into the Council Minutes to create a record of the expressed plan. COUNCILMAN BILL CLARK MOVED THAT THE PAPERS PRESENTED BY MAYOR CASTO CONCERNING THE PROJECT SCHEDULE BE ENTERED INTO THE MINUTES. THE MOTION WAS SECONDED BY COUNCILWOMAN TYLER. THE MOTION CARRIED UNANIMOUSLY. The Mayor stated that the DNR would be at an April meeting to further discuss the Boat Launch. Councilman Savilla wanted to be sure that Council was only voting concerning the two papers being entered into the minutes.

C. Legal Issues - City Attorney Giatras introduced AN ORDINANCE TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY OF NITRO AND THE STATE OF WEST VIRGINIA, BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES, PUBLIC LAND CORPORATION, FOR THE USE AND BENEFIT OF THE WILDLIFE RESOURCES SECTION. City Attorney Giatras stated that this agreement was only to be between the City of Nitro and the DNR and that it would in no way be binding on FMC. That will have to be worked out in a separate agreement. This agreement is only for operation of the boat launch. He stated that after this reading it could be brought back with changes. COUNCILMAN SAVILLA MOVED THAT THE TITLE ONLY BE READ INTO THE MINUTES. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS. Councilman Savilla asked City Attorney Giatras, how binding the agreement was. He responded that it addressed restrictions on the property in terms of no camping being allowed and other disallowed and allowed uses. The only provision City Attorney Giatras felt could be possibly problematic was number six which states that the City of Nitro shall be responsible for reclamation and maintenance of the land fill located on the property. Since FMC is sharing responsibility the wording of that may have to be changed. City Attorney Giatras stated that changes in wording could be sent to him in the next two weeks before the second reading of the ordinance. THE COUNCIL VOTED UNANIMOUSLY TO PASS THE ORDINANCE ON FIRST READING.

D. Finance Committee Report - The Mayor yielded the floor to Councilwoman Tyler concerning the Budget Report. She reported that the Council was presented with copies of the budget with amended items and called for questions or changes to be made. Councilwoman Estep asked if members of Council had been able to go over the budget. Councilman Racer asked if in the salary category overtime pay is calculated. City Treasurer Terry stated that it did cover that. Those records are kept by department heads. Councilman Savilla asked if the FICA numbers were correct. Treasurer Terry stated that the numbers may not be exact due to different numbers used by different dept. heads but that the difference in numbers would be miniscule. Councilman Racer raised a question concerning the City Manager position, thinking it at one time had been the added job of the City Recorder, with an extra salary of \$3000 per year. He asked why that amount had gone from \$3000 at that time to currently \$18,000 in the position held by Treasurer/Office Manager Terry. Councilwoman Tyler answered that Treasurer Terry has more responsibilities. Councilman Racer indicated that would make her salary

\$38,000 total and the Mayor makes \$33,000. Councilwoman Estep had a question concerning the Senior Center amount. Bob Schamber stated that he had made a mistake in the amount he thought that was needed for rent. He and Treasurer Terry said that they would get together to make sure they had the right number. The amount needed for rent was \$2100 per month which makes the total \$25,200. Councilman Savilla pointed out that by doing the proposed arrangement with the Senior Center that would eliminate one position that would be overseen by the Office Manager in City Hall. He also said that the FICA numbers are off by approximately \$5500 and that the budget had to be exact before it was submitted to the State of West Virginia. Councilwoman Estep questioned the large difference in the amount budgeted for utilities as compared to last year. Treasurer Terry replied that the amount budgeted in the past was not realistic and always had to be adjusted by the end of the year. Councilwoman Estep also questioned the totals for the City Hall budget. Councilman Clark answered that the custodian and accounts payable clerk were on the City Hall Budget. COUNCILMAN SAVILLA MOVED THAT COUNCIL GO INTO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION CARRIED. Police Capt. Javins oversaw the room being emptied and recorders turned off.

AGENDA ITEM NO. 5 - OLD BUSINESS: Mayor Casto called the meeting back to order following the Executive Session. COUNCILMAN SAVILLA MOVED THAT THE BUDGET BE BROUGHT OFF THE TABLE FROM THE PREVIOUS MEETING. COUNCILMAN CLARK SECONDED THE MOTION. THE MOTION CARRIED.

COUNCILMAN SAVILLA MOVED THAT THE COUNCIL ACCEPT THE BUDGET AS PRESENTED TO CITY COUNCIL. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. Councilman Savilla reiterated that the FICA numbers be corrected before the budget is submitted to the State of WV. Councilwoman Estep asked if the Senior Center amount was correct. She was assured by Treasurer Terry and Bob Schamber of the Senior Center that they would meet to get the correct numbers. THE COUNCIL VOTED UNANIMOUSLY TO PASS THE MOTION. Mayor Casto thanked Councilwoman Tyler, Treasurer Terry and the members of the Budget Committee for the work they did. Treasurer Terry said that due to the length of the meeting she would table some other subjects that she had intended to address until the next meeting.

AGENDA ITEM NO. 6 - NEW BUSINESS: STORM WATER MANAGEMENT PROGRAM -MS4: Treasurer Terry addressed that fact that that the density of the population in the area requires the City of Nitro to form a committee to begin work on meeting the requirements of the Storm Water Management Program. She said the A.J. Hill of Public Works Dept. had already been working with Ashok Sanghavi of S&S Engineers concerning this program. She recommended a three member committee be formed to address the program, an EPA mandate. This program addresses storm water runoff. Questions will have to be worked out concerning how it will be charged and through what agency in the city. Councilman Savilla said Bryan Casto of the

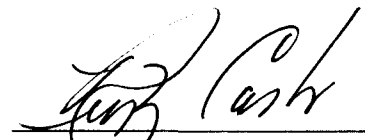
Building Dept. and A. J. Hill of Public Works have both already been involved. Councilman Racer volunteered to be a member of the Committee. COUNCILWOMAN BRENDA TYLER MADE A MOTION THAT THE WARD COUNCILMEN BE ON THE COMMITTEE. THIS INCLUDES COUNCILMAN JAVINS, HARRISON, RACER AND SAVILLA. COUNCILMAN CLARK SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. Treasurer Terry had packets of information for the members. The Mayor stated that the program promises to be expensive but was mandated by the EPA.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS: Councilman Javins, Councilman Harrison, and Councilman Racer had no public comment. Councilman Savilla spoke about what a pleasure it was to work with the Budget Committee in the budget process. Councilwoman Estep wanted clarification on the voting process for the budget. Councilman Clark expressed an interest in moving ahead with phone service with Fibernet. Mayor Casto stated that the committee of Councilwoman Tyler, Recorder Rita Cox, and Treasurer Terry would approach that after the budget process was complete. Councilwoman Tyler talked about the possibility of a Boot Drive fund raiser for Little League. Due to the lack of information that subject was tabled for a future date. She also reiterated the need for contributions for the Christmas Lights. She also reminded the Council about the lunches and dinners being served at St. Paul's Methodist Church. City Recorder Cox asked anyone calling about street lights being out to try to find the pole number for reference,

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE: Tuesday, April 4, 2006 will be the next regular meeting. Tuesday, April 18, 2006 will be the regular meeting to lay property tax levy rates.

AGENDA ITEM NO. 9 - PUBLIC FORUM : Ron Hoffman questioned that the date to lay the levy was incorrect. Micky Raynes expressed some dissatisfaction with his treatment with the Police Dept. Capt. Javins said he would check into it.

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILMAN CLARK MOVED FOR ADJOURNMENT. IT WAS SECONDED BY COUNCILWOMAN TYLER. THE MOTION PASSED UNANIMOUSLY.



 RUSTY CASTO, MAYOR



 RITA COX, RECORDER

Estimated Project Schedule
Voluntary Remediation Program and Boat Launch Construction
Nitro Sanitation Landfill
Nitro, WV

TASK	ESTIMATED START DATE	ESTIMATED FINISH DATE	DURATION (Days)
Voluntary Remediation Program			
FMC issue P.O. to KEMRON for report & workplan revisions	01/30/06	01/30/06	0
KEMRON conduct gauging (all wells) & sampling (B-8 only) event	01/30/06	02/03/06	4
KEMRON prepare revised reports & workplans (Site Assessment & Remedial Action)	01/30/06	02/28/06	29
KEMRON submit revised reports & workplans to WVDEP	02/28/06	02/28/06	0
WVDEP review revised reports & workplans	02/28/06	03/31/06	31
WVDEP approve revised reports & workplans	03/31/06	03/31/06	0
Integral prepare revised Residual Risk Evaluation	01/30/06	02/28/06	29
Integral submit revised Residual Risk Evaluation to WVDEP	02/28/06	02/28/06	0
WVDEP review revised Residual Risk Evaluation	02/28/06	03/31/06	31
Spilman Thomas record Land Use Covenants in property deed(s)	04/03/06	04/07/06	4
KEMRON prepare Final Report	04/03/06	04/28/06	25
KEMRON submit Final Report to WVDEP	04/28/06	04/28/06	0
WVDEP review Final Report	04/28/06	05/29/06	31
WVDEP approve Final Report	05/29/06	05/29/06	0
WVDEP issue Certificate of Completion	05/30/06	05/30/06	0
Administrative			
Finalize Cost Sharing Agreement between FMC & City of Nitro	01/30/06	02/28/06	29
Finalize Agreement between WVDNR & City of Nitro	01/30/06	02/28/06	29
City of Nitro pass Ordinance authorizing boat launch at landfill	01/30/06	03/17/06	46
WVDNR Tasks			
WVDNR hold Public Meeting on boat launch design (after Agreement final & Ordinance passed)	04/04/06	04/04/06	0
WVDNR prepare funding request package for U.S. Fish & Wildlife Service	04/10/06	04/21/06	11
WVDNR submit funding request to U.S. Fish & Wildlife Service	04/21/06	04/21/06	0
U.S. Fish & Wildlife Service review/approve funding	04/24/06	05/31/06	37
WVDNR prepare Section 404 Dredge & Fill Permit Application	05/31/06	06/16/06	16
WVDNR submit Section 404 Dredge & Fill Permit Application to USACE	06/16/06	06/16/06	0
USACE review 404 Dredge & Fill Permit Application	06/19/06	07/31/06	42
USACE issue 404 Dredge & Fill Permit	07/31/06	07/31/06	0
WVDNR bidding process for boat launch construction	07/31/06	09/30/06	61
WVDNR select contractor(s) for boat launch construction	09/30/06	10/30/06	30
WVDNR & contractors begin boat launch construction process	10/30/06	10/30/06	0

Action Items
Voluntary Remediation Program and Boat Launch Construction
Nitro Sanitation Landfill
Nitro, WV

TASK

Voluntary Remediation Program

Conduct gauging & sampling event (all wells)
Prepare and submit revised reports & workplans
Prepare and record Deed Restrictions, etc. (Lisa Balderson)
Prepare and submit Final Report

ORDINANCE NO.: 0601

Introduced in Council

March 21, 2006

Introduced by:

A.C. J. J. J. J. J.

Adopted by Council:

June 6, 2006

Referred to:

Planning Commission

AN ORDINANCE TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY OF NITRO AND THE STATE OF WEST VIRGINIA, BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES, PUBLIC LAND CORPORATION, FOR THE USE AND BENEFIT OF THE WILDLIFE RESOURCES SECTION.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA**

WHEREAS, the Division is charged by Chapter 20 of the Official Code of West Virginia of 1931 as amended, with the duty of providing a comprehensive program for the conservation, development, protection, enjoyment, and use of the natural resources of the State of West Virginia and is charged by said law with the provision, operation, and maintenance of such facilities as may be necessary, desirable, or convenient for the use of the public for recreation; and

WHEREAS, the Kanawha River is an important natural resource of the state; and

WHEREAS, water-related recreation, including fishing and boating, is an important resource of the state, county, and community; and

WHEREAS, the Division desires to enter into an agreement with the City to obtain from the city permission to utilize a portion of their property for the construction, operation, and maintenance of a boat ramp, parking area and fifty-foot (50') right-of-way to same for public use adjacent to the Kanawha River; said property being located and shown on the attached map highlighted in green, all in Nitro Municipal District, Kanawha County, West Virginia.

Now therefore, and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the parties hereto covenant and agree as follows.

- 1) The City does hereby grant, demise and lease unto the Division and its assigns a parcel of land, more fully described below, along with permission and authorization to construct, operate and maintain a boat ramp, parking area and fifty-foot (50') right-of-way thereon for the purpose of providing public access to the Kanawha River; said property being located adjacent to

the Kanawha River and describe as beginning at a point on the bank of the Kanawha River; thence in Minor Avenue; thence in a southeasterly direction approximately 98.41' to a point; thence in an easterly direction approximately 90' to a point on the north side of the fifty-foot (50') right-of-way; thence crossing the fifty-foot (50') right-of-way in a southwesterly direction approximately 130' to a point; thence in a northwesterly direction approximately 280' to a point; thence in a southerly direction approximately 24' to a point; thence in a westerly direction approximately 100' to a point; thence in a southerly direction approximately 115' to a point; thence in a westerly direction approximately 112' to a point on said river bank; thence with said river bank in a northerly direction approximately 290' to the point of beginning located and shown highlighted in green on the map marked as Exhibit A attached hereto and hereby made a part of this ordinance. Being a portion of the same land more fully described in that certain deed from the West Virginia Water Company and the C & S Co. Partnership to the City of Nitro dated June 30, 1974 and May 25, 2001, and recorded in the Kanawha County Clerk's Office in Deed Book 1445 and 2526, at page 409 and 575.

- 2) The Term of the agreement shall be for a period of Twenty-five (25) years from the date of entry on the Lease Agreement. The lease may be renewed by the two parties agreeing to same in writing.
- 3) The Division will use the above-described land to develop a public access site to the Kanawha River and to promote and regulate all other activities consistent with hereinafter-mentioned stipulations and size and location of the subject property.
- 4) The Division shall place the subject property under management which shall include stocking, enforcement, establishing regulations, and supervising habitat improvement endeavors thereto.
- 5) The Division shall not authorize camping to be permitted on the subject property at any time during the term of the lease.
- 6) That said City covenants and agrees that the City shall be responsible for the reclamation and maintenance of the existing land fill located on the subject property and that the Division will not be responsible for any damage, maintenance or repairs to the reclaimed land fill as a result of the construction and use of a public access site on the subject property.
- 7) The City stipulates that the general public shall have full and free year-round use of the subject property for the purpose of launching and retrieving watercraft. Any exceptions to this stipulation must be reviewed and agreed to by both parties.

- 8) The City covenants that the Division shall, at all times during the term of the lease agreement, peaceably and quietly have, hold and enjoy the subject property.
- 9) The City will be responsible for the collection and disposal of refuse resulting from the use of the access site by the general public and will provide law enforcement coverage for the site.
- 10) No use, however extended, of the above-described land under the lease agreement shall be taken as creating or vesting in the Division any ownership in said property.
- 11) The City's liability for injury or damage to persons or property utilizing the subject area is limited by Chapter 19, Article 25, "Limiting Liability of Landowners," of the Official Code of West Virginia, 1931.
- 12) It is covenanted and agreed by and between the parties that the Division shall have the right to cancel the lease agreement without further obligation on the part of the Division, upon giving thirty (30) days written notice to the City.

Passed on first reading:

March 21, 2006

Josh Cash

Mayor, City of Nitro

Passed on first reading:

March 21, 2006

Weta Cox

Recorder, City of Nitro

LEASE AGREEMENT

LE-04-V/20-925

THIS LEASE AGREEMENT, dated as of the 23rd day of August, 2004, by and between the CITY OF NITRO (hereinafter referred to as City), and THE STATE OF WEST VIRGINIA, BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES, PUBLIC LAND CORPORATION, for the use and benefit of the WILDLIFE RESOURCES SECTION, (hereinafter referred to as Division);

W I T N E S S E T H:

WHEREAS, the Division is charged by Chapter 20 of the Official Code of West Virginia of 1931 as amended, with the duty of providing a comprehensive program for the conservation, development, protection, enjoyment, and use of the natural resources of the State of West Virginia and is charged by said law with the provision, operation, and maintenance of such facilities as may be necessary, desirable, or convenient for the use of the public for recreation; and

WHEREAS, the Kanawha River is an important natural resource of the state; and

WHEREAS, water-related recreation, including fishing and boating, is an important resource of the state, county, and community; and

WHEREAS, the Division desires to enter into an agreement with the City to obtain from the City permission to utilize a portion of their property for the construction, operation, and maintenance of a boat ramp, parking area and fifty-foot (50') right-of-way to same for public use adjacent to the Kanawha River; said property being located and shown on the attached map highlighted in green, all in Nitro Municipal District, Kanawha County, West Virginia.

NOW, THEREFORE, and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1) The City does hereby grant, demise and lease unto the Division and its assigns a parcel of land, more fully described below, along with permission and authorization to construct, operate and maintain a boat ramp, parking area and fifty-foot (50') right-of-way thereon for the purpose of providing public access to the Kanawha River; said property being located adjacent to the Kanawha River and described as beginning at a point on the bank of the Kanawha River; thence in an easterly direction with approximately 432' to a point on the east side of Minor Avenue; thence in a southeasterly direction approximately 98.41' to a point; thence in an easterly direction approximately 93' to a point; thence in a southerly direction approximately 90' to a point on the north side of the fifty-foot (50') right-of-way; thence crossing the fifty-foot (50') right-of-way in a southwesterly direction approximately 130' to a point; thence in a northwesterly direction approximately 280' to a point; thence in a southerly direction approximately 24' to a point; thence in a westerly direction approximately 100' to a point; thence in a southerly direction approximately 115' to a point; thence in a westerly direction approximately 112' to a point on said river bank; thence with said river bank in a northerly direction approximately 290' to the point of beginning located and shown highlighted in green on the map marked as Exhibit A attached hereto and hereby made a part of this Agreement. Being a portion of the same land more fully described in that certain deed from the West Virginia Water Company and the C & S Co. Partnership to The City of Nitro dated June 30, 1974 and May 25, 2001, and recorded in the Kanawha County Clerk's Office in Deed Book 1445 and 2526, at page 409 and 575.

2) The TERM of this Agreement shall be for a period of TWENTY-FIVE (25) YEARS from the date hereof. At the end of said term, this Agreement may be renewed by the two parties agreeing to same in writing.

3) The Division will use the above-described land to develop a public access site to the Kanawha River and to promote and regulate all other activities consistent with hereinafter-mentioned stipulations and size and location of the subject property.

4) The Division shall place the subject property under management which shall include stocking, enforcement, establishing regulations, and supervising habitat improvement endeavors thereto.

5) The Division shall not authorize camping to be permitted on the subject property at any time during the term of this Agreement.

6) That said City covenants and agrees that the City shall be responsible for the reclamation and maintenance of the existing land fill located on the subject property and that the Division will not be responsible for any damage, maintenance or repairs to the reclaimed land fill as a result of the construction and use of a public access site on the subject property.

7) The City stipulates that the general public shall have full and free year-round use of the subject property for the purpose of launching and retrieving watercraft. Any exceptions to this stipulation must be reviewed and agreed to by both parties in writing.

8) The City covenants that the Division shall, at all times during the term of this Agreement, peaceably and quietly have, hold and enjoy the subject property.

9) The City will be responsible for the collection and disposal of refuse resulting from the use of the access site by the general public and will provide law enforcement coverage for the site.

10) No use, however extended, of the above-described land under this Agreement shall be taken as creating or vesting in the Division any ownership in said property.

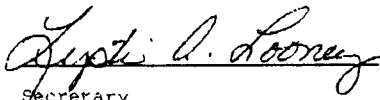
11) The City's liability for injury or damage to persons or property utilizing the subject area is limited by Chapter 19, Article 25, "Limiting Liability of Landowners," of the Official Code of West Virginia, 1931, as amended. A copy of said article is attached hereto and hereby made a part of this Agreement.

12) It is covenanted and agreed by and between the parties hereto that the Division shall have the right to cancel this Agreement without further obligation on the part of the Division, upon giving thirty (30) days' written notice to the City.

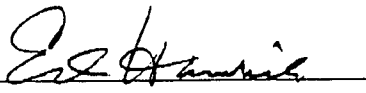
IN WITNESS WHEREOF, the State of West Virginia, Bureau of Commerce, Division of Natural Resources, Public Land Corporation, and the City of Nitro, have hereunto caused their respective names to be signed hereto, all by proper officer thereto duly authorized, as of the day and date herein written.

ATTEST:

STATE OF WEST VIRGINIA
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES
PUBLIC LAND CORPORATION

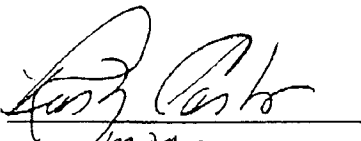

Secretary

[Seal]

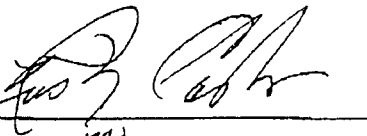
By 
Its Director

ATTEST:

CITY OF NITRO


Its Mayor

[Seal]

By 
Its Mayor

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, To-Wit:

I, Lynn M Rhodes, a Notary Public in and for said county and state aforesaid, do hereby certify that Rusty Costo who signed the writing hereto annexed bearing date the 23rd day of August, 2004, as Mayor of the City of Nitro, has this day in my said county, before me, acknowledged the said writing to be the act and deed of said City.

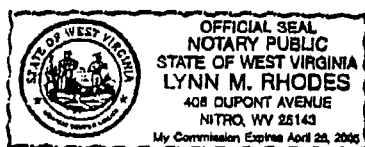
Given under my hand this 22nd day of September, 2004.

My commission expires April 24, 2008.

Lynn M. Rhodes

Notary Public

[Seal]



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, To-wit:

I, STEPHEN DAVIS, a Notary Public in and for the county and state aforesaid, do hereby certify that Ed Hamrick, Director of the Division of Natural Resources, Bureau of Commerce, State of West Virginia, who signed the foregoing and annexed writing, bearing date the 23rd day of August, 2004, has this day in my said County and State, before me, acknowledged the said writing to be the act and deed of said Division.

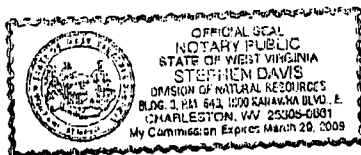
Given under my hand this 27th day of September, 2004.

My commission expires 3/29/2009.

Stephen Davis

Notary Public

[Seal]



Prepared by: Real Estate Management Section
Division of Natural Resources
Bureau of Commerce
Charleston, WV 25305-0661

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 4, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order at 7:30 in Council Chambers. Present were City Recorder Rita Cox, Councilwomen at Large Gertie Estep and Brenda Tyler, Councilman at Large Bill Clark, Councilmen Bill Racer, Bill Javins and Tim Harrison. Also present were Attorney John Little and Treasurer Tifney Terry. Absent was Councilman A.A. "Joe" Savilla.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto asked for a Moment of Silence on the passing of Nitro Businessman/Former Councilman Jewell McClanahan and Erma Byrd, wife of Senator Robert Byrd. He asked Councilwoman Brenda Tyler to lead the invocation and to remember his brother Bill Casto who may be receiving a kidney from Mayor Casto. The Pledge of Allegiance was led by City Recorder Rita Cox. Councilwoman Estep told Council that the Community Chorus would be holding the annual Easter Cantata on Sunday, April 9, 2006 at 3:00 pm in the Kathy Mattea Auditorium. This years performance is to be dedicated to Jewell McClanahan.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILMAN BILL CLARK MOVED THE MINUTES OF THE MARCH 21, 2006 MEETING BE APPROVED. THE MOTION WAS SECONDED BY COUNCILWOMAN TYLER. THE MOTION CARRIED.

AGENDA ITEM NO. 4 - REPORTS: DNR-BOAT LAUNCH: Attorney Little stated that the attorneys were still working on the language in the agreement for the boat launch. Councilman Harrison asked who had compiled the timeline that Council had received copies of and would it be possible to hold them accountable. The Mayor told Councilman Harrison that would be a good question to ask when the parties meet. The Mayor said that the next step would be to schedule a public hearing and go from there.

LEGAL ISSUES: Attorney John Little representing Attorney Troy Giatras and stated that there were no reports.

FINANCIAL REPORT: City Treasurer Tifney Terry reported to Council that the budget had been presented to the Auditor's Office for the State of West Virginia. She reported that there may be an amendment necessary concerning the funds from the Nitro Marketplace but that can be addressed at a future meeting. Councilwoman Estep questioned whether Council was going to address the budget again. Treasurer Terry stated that the only change might be in specific items such as an adjustment to count for the B&O tax from the Nitro Marketplace to THF Realty. This money has never been

accounted for in the budget and the WV State Auditor's Office suggested that it be accounted for. Treasurer Terry said it would be added to the revenue and then shown as a line item to account for the B&O taxes for the Nitro Marketplace. Councilwoman Estep expressed a concern about the amount being given to the Senior Citizens and wanted some clarification about the final amount. She was assured that the \$10,000 only was a portion of the amount the Seniors would receive. The Seniors were also receiving money from Council in the form of a salary being paid. She was also concerned that \$18,000 of Treasurer Terry's salary was being omitted. After some discussion there was a clarification made concerning the difference between the budget and the levy. Councilman Racer asked if the City of Nitro was receiving taxes on the video lottery from the Nitro Marketplace, Mimi's and BMW's. Councilman Clark stated that would give the City more revenue. Councilman Racer stated he would like the budget to be more conclusive at the end of the year. He would also like to see budget comparisons.

AGENDA ITEM NO. 5: OLD BUSINESS - There were no items under this category.

AGENDA ITEM NO. 6: NEW BUSINESS - COUNCILWOMAN TYLER MOVED THAT COUNCIL PAY THE BILLS FOR THE MONTH OF MARCH, 2006 IN THE AMOUNT OF \$278,351.89. COUNCILMAN CLARK SECONDED THE MOTION. Voting for the motion were Councilwoman Brenda Tyler, City Recorder Cox, Councilmen Bill Javins, Bill Racer and Bill Clark. Councilwoman Estep opposed the motion. Councilman Harrison abstained from voting. The motion passed. Councilwoman Tyler asked Councilwoman Estep why she would vote against paying the cities bills. Councilwoman Estep stated she wanted to make budget comparisons before she voted and look at the bank statements. She said that was what was always done in the past. Councilwoman Tyler stated that she had received the information prior to Council meeting and would have time to do that. Councilman Racer stated he received his information on the previous Sunday.

AGENDA ITEM NO. 7: QUESTIONS AND ANSWERS: Mayor Casto announced that representatives of the West Virginia State Development Office would be visiting on Friday, April 7 in City Council Chambers. The purpose of their visit is annexation and to discuss plans. Mayor invited all who could do so to attend, particularly members of Council.

Mayor Casto announced the Police Chief Jordan's son, Charlton Jordan, would be singing Friday, April 7 at the Charleston Civic Center with the Gaither Homecoming,

Councilman Javins asked if the city had heard anything about the grant money for paving the worst streets in Nitro. The Mayor said that Councilman Javins needs to get with Treasurer Terry to see what money is available and proceed from there with the worst streets. Councilman Javins stated he would like to have a brief meeting on that subject after the next Council Meeting.

Councilman Harrison stated he would like to be on the agenda for the next meeting. He would like to have the ordinance read again that was tabled the previous year concerning cats.

Councilman Racer had no comment.

Councilwoman Estep asked what the cost estimate would be to knock out the barrier in front of Dollar General Store between Bank St. and First Avenue to allow for more parking. She has been approached by several citizens concerning this situation. The Mayor stated that is WV State owned property and Mr. Smith with the WV State Highways may be able to help in this matter.

Councilman Clark yielded his time to speak to Councilwoman Tyler.

Councilwoman Tyler presented a request from Ivan Meadows representing the Nitro Little League asking permission to have a Helmet Traffic Stop on 21st and 1st Ave. on April 22 at 10:00 am. The purpose is to raise money to upgrade the Little League Field. He also requested permission to move a fence in order to host tournaments on a larger field. Councilman Clark spoke in favor of the request. He stated that it was an important request and he was for it. Mayor Casto was concerned that this would open the gate for more requests. Mayor Casto asked Ivan Meadows if these improvements (lights and fences in the amount of \$50,000) were to be made at Nitro City Park. Mr. Meadows stated that was true. Approximately \$12,500 has already been raised. COUNCILMAN CLARK MOVED THE LITTLE LEAGUE BE ALLOWED TO RAISE MONEY IN A HELMET DRIVE FOR UPGRADES TO THE NITRO CITY PARK. Councilwoman Tyler wanted clarification that the children would not be in the street. Ivan Meadows assured her that the children would stand on the side and the adults would be in the street. THE MOTION WAS SECONDED BY COUNCILMAN RACER. THE MOTION PASSED.

Councilwoman Tyler told Council that on Monday, April 10 there would be a Meet the Candidates Forum held in the Senior Center at 7:00 pm. It is being sponsored by the Lower Kanawha Valley Mayors Association.

Councilwoman Cox stated that the Meet the Candidates Forum has been extended to both Kanawha and Putnam Counties and there has been about 25 respondents so far. There is also food to be served.

City Treasurer Tifney Terry reported the City has approximately \$217,000 in uncollected Municipal Service fees and that plans are being made to collect them. She stated that Municipal Court could possibly be utilized in pursuing these unpaid bills. Councilwoman Estep asked about the possibility of that being published in local newspapers. Treasurer Terry said that was a possibility and that other cities are doing that. Councilman Racer expressed concern for people who could not afford the fee. Councilwoman Tyler stated there is an application that citizens can submit for reduced Municipal Service fee based on income.


Mayor Casto said he had been asked by a newsperson at Channel 3 TV if Tifney Terry could served as Treasurer if she is elected to the Kanawha Co. Board of Education. Treasurer Terry assured him that she was allowed to do that.

AGENDA ITEM NO. 8: ESTABLISHMENT OF MEETING DATES - The next Council meeting will be Tuesday, April 18,2006 for the Regular Meeting/Lay Property Tax Levy Rates. Following that will be the Regular Meeting on Tuesday, May 2, 2006.

AGENDA ITEM NO. 9: PUBLIC FORUM - Bob Schamber of the Senior Center announced that the Center would be open on Monday ,April 10 for the Meet the Candidates Forum. He will have to leave early but that the Seniors are happy to donate the space at no charge.

Councilman Racer asked if there was information on new bleachers for the football field. Mayor Casto said that possibly the Fall of 2006 or 2007.

AGENDA ITEM NO. 10: ADJOURNMENT: COUNCILMAN BILL CLARK MOVED TO ADJOURN. COUNCILMAN HARRISON SECONDED THE MOTION. THE MOTION PASSED.



RUSTY CASTO, MAYOR

RITA COX, RECORDER



*Nitro Lions Little League
Ivan D. Meadows, President
PO Box 464
Nitro, West Virginia 25143*



March 29, 2006

Dear Mayor and Nitro City Council Members,

The Nitro Lions Little League would like to have a Helmet Traffic Stop on 21st and 1st Avenue on April 22nd starting at 10:00 a.m.

We are raising money to upgrade the Little League fields with new lights and fences and other field upgrades. We have raised approximately \$12,500 to date. We have received estimates on lights and fences to the amount of \$50,000. This amount includes everything needed for the upgrades.

We would like permission to move the fence back on the Little League fields. We would like to be able to host 11/12 boys and girls tournaments. In order to host the tournaments, the field would need to be larger.

We appreciate your time in considering this matter.

Sincerely,

Ivan Meadows
President
Nitro Lions Little League

CITY OF NITRO
COUNCIL MEETING MINUTES

APRIL 18, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order at 7:30 in Council Chambers. Present were Councilmen Bill Javins, Tim Harrison, Bill Racer, A. A. "Joe" Savilla, and Bill Clark, Councilwomen Brenda Tyler and Gertie Estep, Recorder Rita Cox, Treasurer Tifney Terry and Attorney Troy Giatras.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Councilman A. A. "Joe" Savilla led Council with the Invocation. The Pledge of Allegiance was led by WV State Senator Brooks McCabe. Nitro citizen Harvey Collins informed Council that Earl Benton, retired photographer for the Charleston Daily Mail and former Nitro Citizen of the Month had just come through heart surgery.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN BRENDA TYLER MOVED THAT THE MINUTES OF THE APRIL 4, 2006 MEETING BE APPROVED. COUNCILMAN BILL CLARK SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY TO APPROVED THE MOTION.

AGENDA ITEM NO. 4 - REPORTS: APRIL CITIZEN OF THE MONTH: Mayor Casto honored Nitro Citizen Charlton Jordan as the April Citizen of the Month. Charlton, the son of Nitro Police Chief Jack Jordan and Debra Jordan, was honored because of his involvement and recognition as an up and coming singer of Gospel music. Because of his talent and dedication Bill Gaither invited him to appear onstage with the Gaither Family Homecoming Concert at the Charleston Civic Center on April 7, 2006. After being introduced by Councilwoman Tyler, he received a plaque from Councilman Clark and two free dinners at Diehl's Restaurant from Recorder Cox. Council and those in attendance gave him a standing ovation. In personal remarks his parents acknowledged their pride in Charlton and their sons, Chad and Casey Mathes, Nitro Firemen. It was pointed out by Councilwoman Brenda Tyler that Fireman Chad Mathes had helped save a Nitro citizen on Saturday, April 15, 2006 who was involved in a house fire on 34th Street. City Recorder Rita Cox stated that he was accompanied by Fireman Ryan Pennington in that rescue. Fireman Ronnie King gave a update on the condition of the person saved, saying he had 1st, 2nd and 3rd degree burns and that he was to be removed from the ventilator. He is a patient at Cabell-Huntington Hospital Burn Unit. Mayor commended Fire Chief Ernie Hedrick and the entire Nitro Fire Department.

B. LEGAL ISSUES: WV Senator Brooks McCabe spoke to Council on the law recently passed by the WV Legislature concerning Metro Government. He stated that municipal mergers may happen and the possible merger of Kanawha, Putnam and Cabell Counties could turn the area into one of the top 100 markets in the United States. He said that by the 2010 census there is a possibility there will be no cities in WV with a population of 50,000. By merging towns areas could become more competitive. Sen. McCabe said he feels that Metro government would not be forced on people but that it was an good opportunity for local governments. Sen. McCabe stated that it could make municipalities more competitive. The intent of the law was to make the mayor and the council in charge of the process. With all the assets that we have in WV we do not have the numbers in our municipalities to attract Fortune 500 companies, according to Sen. McCabe. After communities are comfortable with the ideas addressed in the new law, Sen. McCabe stated he would return to answer any questions. Councilman Savilla stated that Nitro has been talking about annexation and will have an interest in this new law. Mayor Casto thanked Sen. McCabe for attending and invited him to return at anytime.

LEGAL ISSUES: City Attorney Giatras addressed the language in the Boat Ramp Ordinance that the city is attempting to write. He stated he felt he had a solution for the language in paragraph 6 to which the DNR objected. The language could be changed to state that the DNR would not be responsible for reclamation of the ramp instead of saying who would be responsible. He was waiting to hear from the DNR to proceed with the Ordinance. Mayor Casto stated that when this was done, they would have public meetings for input from the community. Mayor Casto asked if the fence had been repaired. Councilman Clark said he thought that it had not been fixed and that he had seen fresh tire tracks inside the fence.

AGENDA ITEM NO. 5 - OLD BUSINESS: A. CAT ORDINANCE - City Attorney Giatras gave copies of the Cat Ordinance to members of Council and addressed additions and changes that had been made to the original ordinance. He suggested that Council have a chance to read it over and bring it up at the next meeting. Councilman Harrison stated he could not find a record of a second reading of the ordinance and would like to have it brought up at the next meeting.

AGENDA ITEM NO. 6 - NEW BUSINESS: A. LAY PROPERTY TAX LEVY RATES - City Treasurer Terry notified Council that the WV Auditor's Office had accepted the Budget. She was also notified by the Auditor's Office that an adjustment was necessary in the excess levy rate due to the property tax exceeding \$360,000. This required the implementation of a reduced rate which rolled back the revenue amount by \$14,520. According to the Auditor the City will be receiving revenue derived from the Interstate Registration Plan (IRP

Fees). Since Nitro's budget did not reflect this, the adjusted budget will reflect the amount we will receive and last years budget included \$5361. The budget could also be adjusted by approximately \$9000 if the telephone service for Nitro is switched from Verizon to Fibernet. The combination of these two items would take care of the amount of revenue that would be short in the revised budget, according to Treasurer Terry. She stated that the Fibernet contract is ready and waiting for the City Council to approve and contracts to be signed. COUNCILMAN CLARK MOVED THAT COUNCIL APPROVE THE CHANGE OF THE TWO LINE ITEMS IN THE 2006-2007 BUDGET ADJUSTING TO SHOW REVENUES FROM THE INTERSTATE REVENUES PLAN (IRP FEES-ACCOUNT #330) AND THE REDUCTION IN THE LEVY RATE DUE TO THE INCREASE IN ASSESSED VALUES. COUNCILWOMAN BRENDA TYLER SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Concerning Fibernet phone service, Councilman Racer said he would like to see a copy of the contract the City would be entering into. Treasurer Terry said she could get him a copy after the meeting. Councilwoman Estep asked how much the contract would be for. Councilwoman Tyler stated the city would show a savings of approximately \$10,000. She also noted that Marshall University and WV University had gone with Fibernet. Councilman Savilla noted that Huntington and Charleston had both gone with Fibernet along with St. Albans and some other towns in the area. Councilman Clark stated he had been with the company for approximately five years and had shown a savings. COUNCILMAN CLARK MOVED THAT THE CITY ACCEPT THE CONTRACT FOR THREE YEARS WITH FIBERNET. COUNCILWOMAN TYLER SECONDED THE MOTION. After some discussion where Council was told that they could back out of the contract during the three months it would take to activate it, the Mayor called for a vote. VOTING FOR THE CONTRACT WERE COUNCILMEN JAVINS, CLARK, HARRISON, AND SAVILLA; COUNCILWOMAN TYLER AND CITY RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WERE COUNCILMAN RACER AND COUNCILWOMAN ESTEP. THE MOTION PASSED.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

Councilman Javins announced that there would be a Paving Committee meeting following Council Meeting.

Councilman Harrison had no comments.

Councilman Racer had no comments.

Councilman Savilla announced there would be a meeting of the Annexation Committee on Tuesday, April 25, 2006 at 7:30 in Council Chambers.

Mayor Casto announced the City would be hosting a Ramp Dinner on Saturday, May 6, 2006 at 10:00 am at Nitro Elementary School. The cost will be \$7.00. The money made will go to the school playground. He also announced he and Nitro citizen Tommy Bennett had extended an invitation to Governor Manchin to visit the City of Nitro.

Councilwoman Estep had no comments.

Councilman Clark had two items to discuss. For the next Council Meeting he would be presenting an Ordinance that addresses Yard Sales. He also stated that he had a received call from a Park Ave. resident concerning the parking situation. After some discussion concerning the viability of assigned parking, Councilwoman Tyler questioned whether that would set a precedent for the entire City of Nitro. City Attorney Giatras questioned whether parking could be so specifically assigned as to a certain number of places per home. Councilman Racer added that the streets were City owned and therefore City controlled. Councilman Harrison stated he had talked with residents in the area and he felt there were greater needs for City funds than adding more signs relating to parking. Councilman Clark stated that not addressing the problem could lead to more driveways being paved. Councilwoman Tyler asked why with the limited number of homes would lead to such a problem. She stated she was under the impression that cars on that street were to be permitted. City Policeman Don Scurlock said he believed that permits had not been issued. Councilman Clark said it should be addressed one street at a time. Councilwoman Estep stated that the homes had alleys behind them which also allowed for access.

Councilwoman Tyler had no comments.

City Recorder Cox extended an invitation to all members of Council to attend the Kanawha County Commission Meeting on Thursday, April 27, 2006 at 5:00 pm in the Kanawha County Courthouse. The City of Nitro will be presenting plaques to the three Commission members as a thank you for assisting the City.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES: The following dates were set for the regular meeting dates for May: Tuesday, May 2, 2006, 7:30 pm and Tuesday, May 16, 2006, 7:30 pm.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Bob Schamber of the Nitro Sr. Center said he was happy to allow the Meet the Candidates Forum take place in the Sr. Center. He added he heard that it was successful.

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILWOMAN BRENDA TYLER MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN BILL CLARK. THE MOTION CARRIED.

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

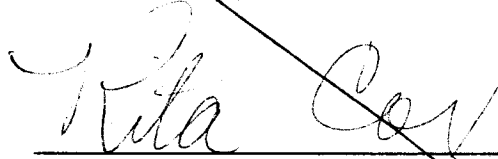
RUSTY CASTO, MAYOR

A handwritten signature in cursive script, appearing to read "Rita Cox", written above a horizontal line.

RITA COX, RECORDER

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILWOMAN BRENDA TYLER MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN BILL CLARK. THE MOTION CARRIED.

RUSTY CASTO, MAYOR

A handwritten signature in cursive script, appearing to read "Rita Cox", is written over a horizontal line.

RITA COX, RECORDER



State of West Virginia

Glen B. Gainer III
State Auditor

Office of the State Auditor
1900 Kanawha Boulevard, East
State Capitol Complex, Building 1, Room W-100
Charleston, West Virginia 25305

Telephone: (304) 558-2251
FAX: (304) 558-5200
Internet: <http://www.wvauditor.com>

April 3, 2006

NOTICE OF A CONDITIONAL APPROVAL OF THE LEVY ESTIMATE (BUDGET)

TO: MUNICIPALITY OF NITRO

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2006.

I find that any levy rates to be imposed in excess of those prescribed by the West Virginia Constitution were legally authorized by a vote of the people.

I find that the proper rates of levy are being used to retire any existing general obligation bond debt, and that such total debt is within the limits prescribed by the West Virginia Constitution and Code.

HOWEVER, THE FOLLOWING COMMENTS ARE MADE BASED ON AN
AUDIT AND REVIEW OF THE BUDGET DOCUMENT BY THIS OFFICE.

Our records indicate the Municipality receives revenue derived from the Interstate Registration Plan (IRP Fees - account #330). The budget does not include the revenue from this source. Please adjust the budget to include an amount for this purpose. Our records indicate the entity received approximately \$5,361 for the fiscal year ending 2005.

The special excess levy Order/Ordinance requires the levying body to reduce the levy rate should assessed values increase. The levy rates, therefore, must be adjusted as follows:

Special Excess Levy Rates

Class I	5.59¢
Class II	11.18¢
Class III and/or IV	22.36¢

Municipality of Nitro
April 3, 2006
Page Two

A corrected levy page is enclosed. If the special excess levy is included in the general fund budget, it will be necessary to adjust Account # 301-01 so that the projected tax collection will not exceed \$368,995 in any fiscal year. The special excess levy is included in 301-90 general fund.

Please take whatever corrective action is necessary to remedy these problems and notify this office of your intentions.

With this written approval, the levying body shall meet on the third Tuesday in April (April 18th) to hear and consider any objections and to officially adopt the levy rates for property taxation. The clerk/recording officer, within three days of such meeting, shall prepare and forward to the State Auditor the officially adopted levy rates and levy order.

If you have any questions, please do not hesitate to contact me at 558-2261 or 1-877-982-9148 extension 2375, Ora Ash extension 5114, Tammi Hensley extension 2380 or Jim Little extension 2152.

Very truly yours,
Glen B. Gainer III
WV State Auditor



By: Lavada Williamson, Director
Local Government Services Division

LEVY PAGE - (Continued) FISCAL YEAR 2006-2007
EXCESS LEVY

Entity: Nitro

Column E		Levy	
Certificate of Valuation		Levy	Taxes
Assessed Value for Tax Purposes		Rate/\$100	Levied
Class I			
Personal Property	\$ 1,302	5.59	\$ 1
Public Utility	0		0
Total Class I	\$ 1,302		\$ 1
Class II			
Real Estate	\$ 75,047,720	11.18	\$ 83,903
Personal Property	218,076		244
Total Class II	\$ 75,265,796		\$ 84,147
Class IV			
Real Estate	\$ 74,724,780	22.36	\$ 167,085
Personal Property	52,215,400		116,754
Public Utility	10,867,375		24,299
Total Class IV	\$ 137,807,555		\$ 308,138
Total Value & Projected Revenue	\$ 213,074,653		392,286
Less Delinquencies, Exonerations, & Uncollectable Taxes		5%	19,614
Less Tax Discounts		1%	3,727
Net Amount to be Raised by Levy			
For Budget Purposes:		368,945

PLEASE CHECK ONE: THE EXCESS LEVY IS:

☐ NOT INCLUDED IN GENERAL FUND
☐ INCLUDED IN GENERAL FUND

IF EXCESS LEVY IS INCLUDED IN GENERAL FUND.

REPORT THIS TOTAL ON PAGE 4 IN ACCOUNT # 301-20:

\$

LGSD
12:20
Revised
2004

FISCAL YEAR JULY 1, 2006 - JUNE 30, 2007

CITY OF NITRO	III
Municipality	Class
KANAWHA/PUTNAM	
County	

LEVY ESTIMATE OFFICIAL BUDGET DOCUMENT



**Prescribed and furnished by
West Virginia State Auditor
Glen B. Gainer III**

The Levy Estimate shall be made on this form between March 7 and March 28. ONE (1) certified copy is forwarded to:

West Virginia State Auditor's Office
Local Government Services Division
1900 Kanawah Boulevard East
Building 1, Room W 414-416
Charleston, West Virginia 25305

IMPORTANT - PLEASE READ CAREFULLY

THOROUGH STUDY OF THE FORMS AND CAREFUL PREPARATION OF THE BUDGET DOCUMENT WILL SAVE TIME, LABOR, AND INCONVENIENCE
ALL CONCERNED. YOUR ATTENTION TO THE FOLLOWING SUGGESTIONS WILL PROVE MUTUALLY HELPFUL

I. LEVY PAGE

- A. Enter all valuations and extend levies on each item of Real Estate, Personal Property, and Public Utility Property. Subtotal each class valuation and taxes levied thereon. The amounts for the Assessed Values Tax Purpose column must be those amounts reflected on the Certificate of Valuation (Column E).
- B. Extend Taxes in WHOLE DOLLARS, Do not carry out to the cents.
- C. Do not use levy rates in excess of two decimal places.
- D. Do not use less than five percent (5%) for delinquencies and exonerations unless, historically, collections indicate a lesser amount.

II. REVENUE AND EXPENDITURE PAGES

- A. State all amounts in WHOLE DOLLARS, Do not include cents.
- B. Do not complete the "APPROVED REVISIONS" columns.
- C. Supply all information requested.
- D. Proposed increases in any elected official's salary must be supported by appropriate authority.

III. SUPPLEMENTAL INFORMATION - BE SURE TO COMPLETE ALL INFORMATION REQUESTED ON PAGES 16 through 18.**SEQUENCE OF EVENTS**

BUDGET MEETINGS: Between March 7 and March 28 of each year the Municipal Council/County Commission must meet to construct the budget for the next fiscal year. During this three week period every elected official, governmental agency, and organization seeking financial support, must appear before the Municipal Council/County Commission to list the projected requirements for the coming year.

SUBMITTING BUDGET: One certified copy of the Budget Document must be mailed to the State Auditor on or before March 28. No faxed copies will be accepted.

PUBLICATION OF BUDGET DOCUMENT: On or before March 28, the entity must begin publication of the Budget Document. It must be published once a week for two consecutive weeks in TWO (2) newspapers of general circulation and of opposite politics published in the area. If the area has only one such newspaper, publish in only that one.

AUDIT AND REVIEW BY THE STATE AUDITOR: The State Auditor will audit and review the Budget Document. Prior to the third Tuesday in April, the Auditor will notify the entity by letter of the results of his audit and review. If the Auditor requires any changes by this letter, these changes must be made immediately.

LAYING THE LEVY: Each entity MUST MEET on the THIRD TUESDAY IN APRIL, to officially lay the levy. This entails the hearing of objection and the adoption of the levy rates to be used during the next fiscal year. An original certified copy of the Levy Order and Rate Sheet must be mailed to the WYSAO within three (3) days after the third Tuesday in April. DO NOT MAIL THE LEVY ORDER AND RATE SHEET WITH THE BUDGET DOCUMENT.

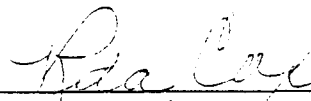
THIS BUDGET MAY BE AMENDED: Regulations published by the State Auditor prescribe the procedure for a local governmentals to amend the approved Budget. Revisions must be approved prior to obligation or expenditure of funds.

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA AND PUTNAM

MUNICIPALITY OF CITY OF NITRO

I, RITA COX, Recording Officer of said municipality, do hereby certify that the foregoing are true copies
from the record of the orders made and entered by the council of the said municipality on the 27th day of March 2006.


(Signature)

CITY RECORDER

(Official Title of Recording Officer)

WORKSHEET CALCULATING THE REDUCED LEVY RATE

Page 2

CLASS	ROLL BACK VALUE (Column D)	X	WEIGHTING	=	WEIGHTED ASSESSED VALUE
Class 1	\$ _____	X	0.01	=	\$ _____
Class 2	<u>73,765,744</u>	X	0.02	=	<u>1,475,315</u>
Class 4	<u>132,671,830</u>	X	0.04	=	<u>5,306,873</u>
Total RBV	\$ <u>206,437,574</u>		Total WAV		\$ <u>6,782,188</u>

Amount to be raised by levy (Current Year projected revenue X 101% + % for Assessor):

\$ 635,797 103 % \$ 654,871

Divide by the TOTAL WEIGHTED ASSESSED VALUE

(Total WAV)

\$ 674,517

The result of this division is then multiplied x 100

(use 4 decimal places here)

and this will = the Class 1 Levy Rate in cents per \$100 of
assessed valuation (use 2 decimal places here)

The Class 2, 3, and 4 Levy Rates are determined by multiplying

the Class 1 Rate as follows:

DO NOT USE RATES IN EXCESS OF 2 DECIMAL PLACES

Class 1 Rate _____ ¢ X 2 =

Class 2 Rate:

Class 1 Rate _____ ¢ X 4 =

Class 4 Rate:

LEVY PAGE - FISCAL YEAR 2006 - 2007

REGULAR CURRENT EXPENSE LEVY

Page 3

Entity:

CITY OF NITRO

Column E

	Certificate of Valuation Assessed Value for Tax Purposes	Levy Rate/\$100	Taxes Levied
--	-------------------------------------------------------------	--------------------	-----------------

Class I

Personal Property

\$ 1,302	9.06	\$ 1
----------	------	------

Public Utility

Total Class I

\$ 1,302		\$ 1
----------	--	------

Class II

Real Estate

\$ 75,047,720	18.12	\$ 135,986
---------------	-------	------------

Personal Property

218,076		395
---------	--	-----

Total Class II

\$ 75,265,796		\$ 136,381
---------------	--	------------

Class IV

Real Estate

\$ 74,724,780	36.24	\$ 270,803
---------------	-------	------------

Personal Property

52,215,400		189,229
------------	--	---------

Public Utility

10,867,375		39,383
------------	--	--------

Total Class IV

\$ 137,807,555		\$ 499,415
----------------	--	------------

Total Value & Projected Revenue

\$ 213,074,653		\$ 635,797
----------------	--	------------

Less Delinquencies, Exonerations, & Uncollectable Taxes:

5%	31,790
----	-------	--------

Less Tax Discounts

1%	6,040
----	-------	-------

Less Allowance for Tax Increment Financing - see worksheet

Subtracted from regular current expense taxes levied only)

.....		
-------	--	--

Total Projected Property Tax Collection

.....		597,967
-------	--	---------

Less Assessor Valuation Fund

2%	11,959
----	-------	--------

Subtracted from regular current expense taxes levied only)

Net Amount to be Raised by Levy of Property Taxes

for Budget Purposes (Transfer amount to #301-01 on page 4

.....		\$ 586,000
-------	--	------------

LEVY PAGE - (Continued) FISCAL YEAR 2006-2007 EXCESS, BOND, OR PERMANENT IMPROVEMENT LEVY

Entity: CITY OF NITRO

Please indicate type of Levy Authorized (Bond, Excess or Permanent Improvement)

Column E Certificate of Valuation Assessed Value for Tax Purposes	EXCESS		Levy	
	Levy Rate/\$100		Levy Rate/\$100	Taxes Levied
Class I				
Personal Property	\$ 1,302	5.81		
Public Utility				
Total Class I	\$ 1,302			
Class II				
Real Estate	\$ 75,047,720	11.62	\$ 87,205	
Personal Property	218,076		253	
Total Class II	\$ 75,265,796		\$ 87,459	
Class IV				
Real Estate	\$ 74,724,780	23.24	\$ 173,660	
Personal Property	52,215,400		121,349	
Public Utility	10,867,375		25,256	
Total Class IV	\$ 137,807,555		\$ 320,265	
Total Value & Projected Revenue	\$213,074,653		407,724	
Less Delinquencies, Exonerations, & Uncollectable Taxes	5%	20,386	
Less Tax Discounts	1%	3,873	
Net Amount to be Raised by Levy For Budget Purposes:		383,465		

PLEASE CHECK ONE: THE EXCESS LEVY IS:

☐ NOT INCLUDED IN GENERAL FUND
☒ INCLUDED IN GENERAL FUND

IF EXCESS LEVY IS INCLUDED IN GENERAL FUND.

REPORT THIS TOTAL ON PAGE 4 IN ACCOUNT # 301-90:

\$ 383,465

Account # 301-91

\$

01 GENERAL FUND REVENUE SUMMARY		Budgeted Revenues 2006-2007	Approved Revisions
280	Reserve for Encumbrances		
299	Unencumbered Fund Balance (July 1)		
301-01	Property Tax - Current Expense (pg. 3-NET)	586,000	
301-02-05	Prior Year Taxes		
301-06	Supplemental Taxes		
301-07	Tax Loss Restoration		
301-90	Property Tax - Excess Levy (pg 4-NET)	383,465	
302	Tax Penalties & Interest		
303	Gas & Oil Severance Tax	1,000	
304	Excise Tax on Utilities	270,000	
305	Business & Occupation Tax	1,039,523	
306	Wine & Liquor Tax	28,000	
307	Animal Control Tax		
308	Hotel Occupancy Tax		
309	Amusement Tax		
311	Insurance Premium Surtax	6,036	
312	Motor Vehicle Operator's Tax		
313	Horse & Dog Racing Tax	25,000	
320	Fines, Fees & Court Costs	60,000	
321	Parking Violations		
325	Licenses	38,500	
326	Building Permit Fees	27,457	
327	Miscellaneous Permits		
328	Franchise Fees	72,000	
329	Inspection Fees	3,000	
330	IRP Fees (Interstate Reg. Plan)		
335	Private Liquor Club Fee		
336	Cemetery Revenues		
337	Dog Pound Fees		
338	Emergency Communication Fee		
339	Emergency Service Fee		
340	Parks & Recreation	52,000	
341	Municipal Service Fee	930,000	
342	Parking Meter Revenues		
343	Off Street Parking		
344	Collection of Delinquent Accounts		
345	Rents & Concessions	16,100	
346	Airport Revenues		
347	Jail Fees		
348	Special Assessments		
350	Refuse Collection		
351	Police Protection Fees		
352	Fire Protection Fees		

01 GENERAL FUND REVENUE SUMMARY		Budgeted Revenues 2006-2007	Approved Revisions
353	Planning Commission Revenue		
354	Landfill/Incinerator Fees		
355	Street Fees		
357	Housing Program Revenues		
358	Civic Center/Coliseum		
359	Floodwall Fees		
361	Charges For Services		
362	Charges to other Entities		
363	Ambulance Fees		
365	Federal Government Grants	168,000	
366	State Government Grants		
367	Other Grants		
368	Contributions from other Entities	38,000	
369	Contributions from other Funds		
370	Charges to other Funds		
371	Payment in-Lieu of Taxes		
372	Federal Payment in-Lieu of Taxes		
373	Flood Reimbursement		
374	Payroll Reimbursement		
375	Transfer from Rainy Day Funds		
378	Map Sales		
379	Gain/Loss Sale of Fixed Assets		
380	Interest Earned on Investment	1,800	
381	Reimbursements	171,800	
382	Refunds		
383	Sale of Fixed Assets		
384	Sale of Materials		
385	Commissions		
386	Insurance Claims		
387	Filing Fees		
388	Library Fees	900	
389	Accident Reports		
390	Bingo Revenue		
391	Recycling Program		
392	Property Rehabilitation		
393	Interest on Special Assessment		
394	Confiscated Property		
395	Employees Retirement Cont. (Police & Fire)		
396	Fair Market Value		
397	Video Lottery	395,289	
398	Proceeds from Sale of Bonds		
399	Miscellaneous Revenue	1,000	
Grand Total			
01 General Fund Revenues		4,314,870	

COAL SEVERANCE TAX FUND

02 COAL SEVERANCE FUND REVENUE SUMMARY		Budgeted Revenues 2006-2007	Approved Revisions
280	Reserve for Encumbrances		
299	Unencumbered Fund Balance (July 1)		
310	Coal Severance Tax	14,000	
380	Interest Earned on Investments		
381	Reimbursements		
382	Refunds		
Grand Total 02 Coal Fund Revenues		14,000	

GENERAL GOVERNMENT EXPENDITURES Account #401-#699	General Fund		Coal Severance Fund	
	General Budget 2006-2007	Approved Revisions	Coal Budget 2006-2007	Approved Revisions
01 Open				
02 Economic Development				
03 Federal Grants				
04 State Grants				
05 Zoning Board				
06 Consumer Protection				
07 Civil Service				
08 Insurance Program (Self-Insured)				
09 Mayor's Office	49,490			
10 City Council	19,093			
11 Recorder's Office	27,427			
12 City Manager's Office				
13 Treasurer's Office	196,389			
14 Finance Office				
15 City Clerk's Office				
16 Police Judge's Office	6,000			
17 City Attorney	20,000			
18 City Auditor				
19 Main Street Program				
20 Engineering				
21 Community Development				
22 Personnel Office				
23 Purchasing Department				
24 Contribution to Commissions, Boards, Authorities & Other Entities				
25 Enforcement Agency	54,409			
26 Litigation Reserve				
27 Rehabilitation of Property				
28 Acquisition of Property				
29 Clearance				
30 Program Planning				
31 Printing				
32 Other Grants				
33 Custodial				
34 Housing Authority				
35 Regional Development Authority				
36 Building Inspection	61,281			
37 Planning & Zoning				
38 Elections				
39 Data Processing				
40 City Hall	901,201			

GENERAL GOVERNMENT EXPENDITURES (CONTINUED) Account #401-699		General Fund		Coal Severance Fund	
		General Budget 2006-2007	Approved Revisions	Coal Budget 2006-2007	Approved Revisions
441	Other Buildings				
442	Internal Audit				
443	Charter Board				
444	Contributions and/or Transfers to Other Funds				
565	Electrical Services				
566	Public Works Department	633,122			
567	Public Grounds				
568	Complaint Department				
571	Parking				
590	Market House				
598	Transfers and/or Reimbursements for Auditor Findings Only				
599	Contingencies**				
<p>* The amount appropriated to Contingencies should not be more than 3% of the fund. Contingencies is not an expenditure account. Funds appropriated under contingencies must be moved by budget revision to the appropriate account prior to the expenditure of such funds.</p>					
Total					
General Government Expenditures		1,968,412			

[illegible]

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[illegible]

[illegible]

[illegible]

Expenditures

CITY OF NITRO

Municipality

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10/12/20

EXPENDITURE RECAP

SUMMARY	General Fund		Coal Severance Fund	
	General Budget 2006-2007	Approved Revisions	Coal Budget 2006-2007	Approved Revisions
General Government Expenditures	1,968,412			
Public Safety Expenditures	1,641,865		14,000	
Street & Transportation Expenditures	147,000			
Health & Sanitation Expenditures	175,000			
Culture & Recreation Expenditures	128,158			
Social Services Expenditures	10,000			
Capital Project Expenditures	244,435			
GRAND TOTAL				
ALL EXPENDITURES	4,314,870		14,000	

BONDED DEBT STATEMENT

EXCESS LEVY ISSUES

REVENUE ISSUES

Purpose & Issue Date	Maturity Date	Interest Rate	Amount Authorized	Amount Retired	Amount Outstanding
1. NA					
1. NA					
2.					

DO NOT INCLUDE INDUSTRIAL DEVELOPMENT BONDS ISSUED UNDER ARTICLE 2C OF CHAPTER 13 OF THE WEST VIRGINIA CODE

GENERAL OBLIGATION

ISSUES

1. NA					
2. NA					
3. NA					
4.					
5.					

LIST BELOW ALL FUNDS ON DEPOSIT AS OF DECEMBER 31, 2005

BALANCE 12-31-2005:

BALANCE 12-31-2005:

GENERAL FUND

DEMAND ACCOUNT (CHECKING)	<u>76,759</u>
TIME ACCOUNT (INVESTMENTS)	<u>56,144</u>

LOCAL SEVERANCE FUND

DEMAND ACCOUNT (CHECKING)	<u>NONE</u>
TIME ACCOUNT (INVESTMENTS)	<u>NONE</u>

Capital Reserve Fund

Water Fund

Sewer Fund

Excess Levy Fund

Financial Stabilization (Rainy Day Fund)

Other Funds - List Separately:

NONE

NA

NA

NONE

NONE

STATEMENT OF SALARIES OF ELECTED OFFICIALS

	Elected (X)	Appointed (X)	NAME	DATE CURRENT TERM BEGAN	BUDGETED SALARY 2005-2006	BUDGETED SALARY 2006-2007
Mayor	X		RUSTY CASTO	JULY 2006	33,000	33,000
Council	X		BILL JAVINS	JULY 2006	2,400	2,400
Council	X		TIM HARRISON	JULY 2006	2,400	2,400
Council	X		BILL RACER	JULY 2006	2,400	2,400
Council	X		JOE SAVILLA	JULY 2006	2,400	2,400
Council	X		GERTIE ESTEP	JULY 2006	2,400	2,400
Council	X		BILL CLARK	JULY 2006	2,400	2,400
Council	X		BRENDA TYLER	JULY 2006	2,400	2,400
Recorder	X		RITA COX	JULY 2006	17,500	17,500
City Clerk						
Treasurer		X	TIFNEY TERRY		20,000	20,000
Police Judge		X	SHAWN TAYLOR		6,000	6,000
City Auditor						
City Attorney		X	TROY GIATRAS		20,000	20,000
City Manager						
Finance Director						

AMOUNT BUDGETED 2006-2007 FISCAL YEAR FOR:

Regional Council Dues..... \$	<u>1,979</u>	Account # <u>409</u>
Audit Costs/All Funds..... \$	<u>2,500</u>	Account # <u>413</u>
Policemen's Pension Fund..... \$	<u>72,000</u>	Account # <u>700</u>
Firemen's Pension Fund..... \$	<u>72,000</u>	Account # <u>706</u>

Gas and Oil Severance Tax

W.Va. Code §11-13A-5a

Moneys distributed to any county or municipality must be deposited in the general fund and may be used for purposes determined to be in the best interest of the county or municipality. Not more than 25% of gas & oil severance may be budgeted for personal services. Each county and municipality must submit to the State Auditor, on forms provided by the State Auditor, a special budget detailing how gas & oil severance funds are to be spent. On or before December 15, the State Auditor must deliver to the clerk of the Senate and the clerk of the House of Delegates, a consolidated report of such budgets.

ALTHOUGH GAS & OIL SEVERANCE TAX IS A GENERAL FUND REVENUE AND EXPENDITURE, IN ORDER TO FULFILL THE AFOREMENTIONED STATUTORY REQUIREMENTS, PLEASE PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION:

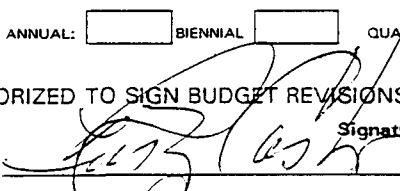
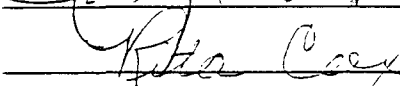
Revenue 2006-2007

Gas & Oil Severance (as reported in account #303 on page 4)	\$ <u>1,000</u>
-------------------------------------------------------------	-----------------

Expenditure 2006-2007

General Government	\$ _____
Public Safety	_____
Streets & Transportation	_____
Health & Sanitation	_____
Culture & Recreation	_____
Social Services	_____
Capital Project	_____
Total Expenditure (must equal gas & oil severance revenue)	\$ 1,000

PLEASE COMPLETE THE FOLLOWING ROSTER

MUNICIPALITY OF: <u>NITRO</u>	COUNTY: <u>KANAWHA/PUTNAM</u>	CITY HALL
		PHONE: <u>755-0702</u>
MAILING ADDRESS: <u>PO BOX 308</u>	<u>NITRO WV</u>	FAX: <u>755-7502</u>
	ZIP CODE <u>25143</u>	HOURS <u>8 to 4</u>
COUNCIL MEETS: <u>FIRST AND THIRD TUESDAYS OF EACH MONTH</u>		
MAYOR	<u>RUSTY CASTO</u>	PHONE: <u>755-0705</u> FAX: <u>755-7502</u> E-MAIL _____
CITY MANAGER	_____	PHONE: _____ FAX: _____ E-MAIL _____
CITY CLERK	_____	PHONE: _____ FAX: _____ E-MAIL _____
RECORDER	<u>RITA COX</u>	PHONE: <u>755-0707</u> FAX: <u>755-7502</u> E-MAIL _____
FINANCE DIRECTOR	_____	PHONE: _____ FAX: _____ E-MAIL _____
TREASURER	<u>TIFNEY TERRY</u>	PHONE: <u>755-5066</u> FAX: <u>755-7502</u> E-MAIL <u>tifney@charter.net</u>
COUNCIL MEMBERS	<u>BILL JAVINS</u>	<u>TIM HARRISON</u>
COUNCIL MEMBERS	<u>JOE SAVILLA</u>	<u>GERTIE ESTEP</u>
COUNCIL MEMBERS	<u>BRENDA TYLER</u>	_____
ELECTION:	ANNUAL: <input type="checkbox"/> BIENNIAL: <input type="checkbox"/> QUADRENNIAL: <input checked="" type="checkbox"/>	DATE OF NEXT ELECTION: <u>JUNE 2009</u>
OFFICIALS AUTHORIZED TO SIGN BUDGET REVISIONS (please include signature & title)		
		Title <u>MAYOR</u>
		<u>RECORDER</u>
PERSON TO CONTACT ABOUT BUDGET DOCUMENT AND BUDGET REVISIONS:		
NAME:	<u>TIFNEY TERRY</u>	TITLE: <u>TREASURER</u>
PHONE:	<u>755-5066</u>	FAX: <u>755-7502</u> E-MAIL: <u>tifney@charter.net</u>

ANY QUESTIONS ABOUT COMPLETING THESE FORMS SHOULD BE DIRECTED TO THE LOCAL GOVERNMENT SERVICES DIVISION, WEST VIRGINIA
 STATE AUDITOR'S OFFICE 1900 KANAWHA BOULEVARD EAST, BUILDING 1, ROOM W-416 CHARLESTON, WV 25305 OR TELEPHONE 1-877-982-9148.

COST/SAVINGS ANALYSIS PROPOSAL FOR LOCAL SERVICE

Company: City of Nitro Date: 2/28/2006

FiberNet of WV

211 Leon Sullivan Way
 Charleston, WV 25301
 Voice: 1-301-991-5736
 Main: 1-304-720-2111
 Fax: 1-304-720-2114

Type of Service	Verizon	FiberNet	# of Lines
Centrex	\$ 663.00		17
Flat Rate Centrex		\$ 510.00	17
Caller ID	\$ 69.00	\$ 50.00	10
EUCL	\$ 79.20	\$ 27.60	23
Voicemail	\$ 49.50	\$ 38.50	7
Flat BBL	\$ 165.00	\$ 240.00	3 & 8
Thrifty Caller	\$ 122.50	FLAT	5
Measured Usage	\$ 409.83	-	
LD/Verizon	\$ 85.56	\$ 11.04	184 Min
LD/AT&T	\$ 167.38	\$ 15.06	251 Min
SAP	\$ 25.40	\$ 36.00	18

Verizon Cost: \$ 1,836.37

FiberNet Cost: \$ 928.20

Installation Fee:

Monthly Savings with FiberNet: \$ 908.17

Annual Savings With FiberNet: \$ 10,898.04

Percentage of Savings: 49%

Why FiberNet?

One Bill

One Contact

One Provider

One Network

West Virginia Company

90 Day Guarantee

If for any reason you are not satisfied with the service you receive from FiberNet, call us and give us 15 days to resolve the issue. If the troubles you are experiencing are not resolved to your satisfaction within those 15 days, you are free to leave FiberNet with no further obligations.

**Based on your current rates
 our savings is equivalent to
 5.9**

**Months in Local Service
 Annually.**

CITY OF NITRO
BUDGET FOR THE YEAR ENDING JUNE 30, 2007

REVENUE

PROPERTY TAX	990,790.00
BUILDING PERMITS	27,457.00
INSPECTION FEES	3,000.00
PAR INDUSTRIES	168,000.00
B&O TAX	943,523.00
THF REALTY B&O TAX	96,000.00
UTILITY TAX	270,000.00
PARKS AND POOL	52,000.00
LIQUOR TAX	28,000.00
BUSINESS LICENSES	38,500.00
DOG TRACK	406,000.00
INTEREST INCOME	1,800.00
CIVIC BENEFITS ASSOCIATION	38,000.00
RENT INCOME	16,100.00
COURT COSTS	60,000.00
LIBRARY FEES	900.00
MUNICIPAL SERVICE	930,000.00
FRANCHISE FEES	72,000.00
COAL SEVERANCE	14,000.00

REIMBURSEMENTS

INSURANCE	46,000.00
CITY CALENDAR	7,000.00
FIRE TRUCK	54,000.00
HOSPITALIZATION	22,800.00
POLICE WAGES	42,000.00
MISCELLANEOUS	<u>1,000.00</u>

TOTAL REVENUE 4,328,870.00

TOTAL EXPENSES 4,328,870.00

TOTAL BY DEPARTMENT

Mayor	49,490.00
City Council	29,093.00
City Recorder	27,427.00
Treasurer	196,389.00
Building Department	61,281.00
City Hall	1,011,101.00
Police Department	1,139,500.00
Municipal Court	60,409.00
Fire Department	691,153.00
Public Works	929,522.00
Pool	67,043.00
Library	66,462.00
	<u>4,328,870.00</u>

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 2, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Those present were Councilwomen Gertie Estep and Brenda Tyler, Councilmen Bill Javins, Tim Harrison, Bill Racer, A.A. "Joe" Savilla and Bill Clark, Recorder Rita Cox, Treasurer Tifney Terry, and Attorney John Little.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto requested a moment of silence in memory of recently deceased former Nitro Citizen Joe Kniceley. Following that the invocation was given by Councilwoman Brenda Tyler and The Pledge of Allegiance was led by Councilman Bill Clark.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: Councilman Joe Savilla moved that the minutes of the April 18, 2006 meeting be approved. The motion was seconded by Councilman Bill Clark. Recorder Rita Cox indicated there was a correction on page 2 under Agenda Item No. 6. The amount of property tax referred to was corrected to \$360,000. After that correction the minutes were approved unanimously.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH: Mayor Casto asked Councilwoman Gertie Estep to present Nitro Citizen Bob Schamber as the May Citizen of the Month. The Mayor commended Mr. Schamber for his volunteer work with the Nitro Senior Center and for his donations to the city. Councilman Savilla said Mr. Schamber has been a good friend to Nitro since he first came here and remains a good friend today. He was presented with two free dinners at Dielh's restaurant by Councilwoman Estep and will be presented with a plaque at a future date. Mr. Schamber thanked Mayor Casto and Council for the honor.

B. CHARTER COMMUNICATIONS-CABLE TELEVISION FRANCHISE TRANSFER: Michael Kellerman, Director of Government Relations with Charter Communication notified Council that Charter was being sold to Cebridge Connections. He requested from Council a Resolution acknowledging the transfer of the existing franchise from Charter to Cebridge. There was also a request for an extension in the document. Mr. Kellerman pointed out that in 1998 there was franchise and a subsequent transfer approved by Council, the paperwork was never signed even though both parties were operating under the agreement. Mr. Kellerman requested that Council authorize the Mayor to sign the resolution as is removing any reference to a three year extension. Mayor Casto said he believed Mr. Patton with Charter had changed jobs at about that time allowing the earlier document to remain unsigned. COUNCILMAN SAVILLA MOVED THAT THE MATTER BE TABLED FOR TWO WEEKS SO THE CITY ATTORNEY COULD GO OVER IT. COUNCILMAN CLARK SECONDED THE MOTION. COUNCIL PASSED THE MOTION UNANIMOUSLY.

C. KEMRON: Mr. Hite presented an update on the status of the boat launch at the Smith St. Landfill. He said the next step after the agreement between Nitro and the DNR has its second reading is to have approval by the Attorney General. After that there will be public

meetings concerning the boat launch. Drainage problems around the substation need to be remedied. Then construction on the boat ramp could begin this fall with completion next year. Kemron could return in June to give an update on progress. Councilman Clark asked how the Miller house would be removed. Mr. Hite said that they preferred not to move it through the landfill to prevent disturbing the cap. Councilman Racer asked if the area was to be covered with asphalt. Mr. Hite said only the parking area was to be paved. He said some further parking and a boat storage facility may be possible. Councilman Clark questioned why the area is not being restored to residential use. He expressed concern about keeping children off the area in the future and the need to consider a more extensive reclamation of the land. Mr. Hite said that the main concern was children using the land. Councilman Clark said the perception of the land use will be recreational since it is going to be a boat launch. He is concerned about the long term prospects of keeping children off the land. Councilwoman Estep said she felt that it was not possible to restore it to residential. Mr. Hite said that the determination was based on usage. He said that Chris Amick would be the person to meet with to make that determination. Councilman Harrison asked if Brownfields money can be used. Mr. Hite said it was his understanding that it was to be used for assessment. Mr. Hite said he could return to a future meeting for more discussion.

D. LEGAL ISSUES: John Little, acting for City Attorney Troy Giatras, reported the Legal Issues currently were the Resolution for Cable Television Franchise and the Smith St. Landfill Boat Ramp and both items had already been discussed. He had nothing to add to the meeting at this time.

E. ANNEXATION COMMITTEE: Councilman Savilla reported on the meeting held Tuesday, April 25, 2006 in Council Chambers. He stated there were 18 attendees at the meeting with representatives of the Forest Park Homeowners Association. He said there appears to be a faction for annexation in Forest Park and a faction against it. There is to be a meeting in the next few weeks and maps would be presented. He felt that questions had been addressed. COUNCILMAN SAVILLA MOVED THAT THE MINUTES OF THE ANNEXATION COMMITTEE MEETING OF APRIL 25, 2006 BE MADE A PART OF THE MINUTES. COUNCILMAN HARRISON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

F. RECREATION COMMITTEE: Roland Meffert, D.C., presented a proposal for a Nitro Wellness Council to promote a healthy lifestyle for the Nitro citizens. This could consist of weekly walks, guest speakers and walkers, and recipe sharing. Councilwoman Estep asked Dr. Meffert could spearhead this plan. She said she would help. Recorder Cox asked if he was going to present it at the Nitro Business Professional Association meeting. He stated he was. Councilwoman Tyler said she agreed it was a good idea. She stated that St. Paul's United Methodist Church is having a smoking cessation program. Councilman Savilla said he would have the full support of the Mayor and the Council.

Councilwoman Tyler reported that she and Councilman Clark had seen no work being done at the BMX track and she was prepared to move ahead with elimination of the Bike Track. Councilman Savilla questioned that we may have a binding verbal contract with the organization. Councilman Clark said he had heard nothing from the group and he was to be the contact person. He considered that as not taking action. Councilman Savilla suggested Recorder Cox check the previous minutes that alluded to the terms of that agreement. Councilman Clark said that there were other needs for that area such as soccer, softball, and football practice field.

Councilwoman Tyler reported that on Saturday, May 6, 2006 there would be a gospel concert sponsored by Cooke Funeral Home at the Community Center. There is no admission to be charged and will feature Charlton Jordan, The Humphreys, and the Mark Trammell Trio at 7:00 .

Councilwoman Tyler said that charges for the Nitro Pool passes and entry fees would be addressed at the next meeting. Casey Mathes reported that this was satisfactory.

Mayor Casto commented on the surgery Councilwoman Tyler had undergone the previous week and said she seemed to be making a good recovery.

G. FINANCE REPORT: Treasurer Terry reported she had included information to update the budget comparison to reflect a \$74,000 deposit that was not included in the original information sent to Council. Treasurer Terry announced that the Utility Accounting Software System had been put out for bid with bids being accepted through May 15, 2006. There will also be a need for budget revisions to be submitted to the WV Auditors Office to be addressed at the next council meeting, May 16, 2006. She said she planned to have the information to Council ahead of the next meeting so questions can be addressed. She said that Petroleum Products overpaid B&O taxes in 2003, 2004, and 2005 in the amount of \$19,373.29. The agreement with the company is to withhold B&O taxes until the amount is covered. The current amount withheld was \$9886.79 leaving a balance of \$9486.50. She also reported that as funds became available she had been working with Public Works to replace street signs throughout the City of Nitro. Mayor Casto said he had met with Public Works Dept. Head A.J. Hill, Treasurer Terry, and Police Chief Jack Jordan and determined that First Avenue and 40th St. would be where they would start. The cost is \$114.81 for a 4-way sign installed and \$81.14 for a 2-way sign. He also asked for input from Council members for other suggestions for sign placement. The sign color will be green and white.

AGENDA ITEM NO. 5 - OLD BUSINESS: A. SECOND READING - ORDINANCE BOAT LAUNCH - Attorney John Little said that his office had received a notice from the DNR that they would not be held responsible for issues of landfill. There was not a second reading of the ordinance.

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. COUNCILMAN CLARK MOVED FOR APPROVAL FOR THE PAYMENT OF THE BILLS FOR THE MONTH OF APRIL, 2006 IN THE AMOUNT OF \$219,312.95 THE MOTION WAS SECONDED BY COUNCILWOMAN TYLER.. Councilwoman Estep questioned the amount of the Nextel bill of \$3900 and wanted to know if it was for one month. Treasurer Terry said that was that was two separate bills. Councilman Racer asked how much the monthly bill was and Treasurer Terry responded that it ran \$1500 to a little over \$2000 every month. Other amounts question by Councilwoman Estep was a yearly payment for a fire truck and a payment to the State Treasurer which is a Court payment and a payment to Virginia Air for a heater. THE MOTION PASSED WITH A UNANIMOUS VOTE.

B. Treasurer Terry stated she was attempting to satisfy some requests from Council members to approve the release of payments for bills. The amount was \$16,625.81. COUNCILMAN CLARK MOVED THAT THE AMOUNT OF \$16,625.81 BE RELEASED. COUNCILMAN HARRISON SECOND THE MOTION. VOTING FOR THE MOTION WAS COUNCILMEN BILL JAVINS, TIM HARRISON, BILL JAVINS, AND BILL CLARK. COUNCILWOMAN BRENDA TYLER, AND RECORDER RITA COX. VOTING AGAINST

THE MOTION WAS COUNCILWOMAN GERTIE ESTEP. THE MOTION PASSED.

C. YARD SALE ORDINANCE - DRAFT- Councilman Bill Clark distributed copies of the proposed ordinance for Council to look over. He stated that it was basically the same ordinance that St. Albans had adopted. According to the ordinance it would require a permit and would be limited in number. Also the location of the yard sale would be overseen by this permitting process. Councilwoman Estep questioned the limitations addressed. Councilman Clark said that this was just a beginning step. Councilwoman Tyler said this was to address the year round yard sales that are avoiding taxes.

D. APPROVAL OF 2006/2007 NITRO REGIONAL WASTEWATER UTILITY BUDGET: COUNCILWOMAN TYLER MOVED THAT COUNCIL APPROVE THE BUDGET. COUNCILMAN SAVILLA SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY TO APPROVE THE MOTION.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS : Mayor Casto announced that Saturday, May 6, 2006 would be the annual ramp dinner at Nitro Elementary to raise money for the School Playground.

Councilman Savilla announced that May 5 and 6 would be cleanup day for this area of Kanawha County at Sam's Club parking lot in Cross Lanes.

Councilman Harrison thanked Treasurer Terry for the work she had done at the Children's Park. He told about attending the Kanawha Co. Commission meeting with Treasurer Terry, Councilman Savilla and Recorder Cox to present plaques to Commissioners Kent Carper, David Hardy and Hoppy Shores.

Councilman Savilla said he agreed that the plaques were very much appreciated. He also talked about a property issue at the top of Brookhaven hill and requested that John Montgomery meet with him after council concerning this issue.

Councilwoman Estep commended the people of Nitro for their support of the Kniceley family.

Councilman Clark expressed regrets about being away but he had a death in his family that took him out of town.

Councilwoman Tyler said that Treasurer Terry and City Hall employees are going to seriously go after unpaid Municipal Service fees. She stated there are approximately \$160,000 in unpaid fees. Councilman Clark stated that publishing the names of those who hadn't paid could be a way to collect fees.

Recorder Rita Cox reported that the invitation to bid had been advertised for the streets to be paved, 18th St. Hill, Michigan Ave. and 3rd Ave. from 21st St. to 4th St., and should be ready for next council meeting.

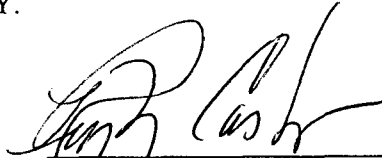
AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES: Mayor Casto stated the next regularly scheduled council dates are Tuesday, May 16, 2006 and Tuesday, June 6, 2006. All meetings are at 7:30 unless otherwise announced.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Mayor Casto opened the floor to public comments. Keith Stathers addressed his opinion that the bike track should be left in operation for children as an alternative to drugs.

Another gentleman who did not disclose his name, addressed the possibility of a yard sale ordinance. He was against it.

A citizen from Easter Rd. told Council of drainage problems on his property and thought possibly landscaping by neighbors had contributed to the problem. He said that a ditch had been covered that use to be in place. Mayor Casto said he would visit the area at a future date.

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILWOMAN TYLER MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE MOTION CARRIED UNANIMOUSLY.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

Budget 06-07

APPROVED BY
BOARD

NITRO REGIONAL WASTEWATER UTILITY

Fiscal Year Budget 2006-2007

ACCOUNT NAME	ACCOUNT NO.	BUDGET	MONTHLY BUDGET
DOMESTIC SERVICE	3101	\$1,657,776	\$138,148.00
INDUSTRIAL SERVICE	3131	\$3,456	\$288.00
PENALTIES	3170	\$48,408	\$4,034.00
INTEREST INCOME	3201	\$36,420	\$3,035.00
UTILITY TAX INCOME	3300	\$21,300	\$1,775.00
MISCELLANEOUS INCOME	3162	\$29,640	\$2,470.00
TOTAL INCOME		\$1,797,000	\$149,750
BILLING COLLECT/ACCT.	7951	\$48,672	\$4,056.00
EQUIPMENT RENTAL	7036	\$1,620	\$135.00
LABOR & RELATED EXPENSES	8007	\$727,860	\$60,655.00
MISC. GENERAL EXP.	8010	\$38,736	\$3,228.00
PLANT OPERATING EXPENSE	7461	\$4,800	\$400.00
PROPERTY & LIABILITY INS.	7980	\$41,057	\$3,421.42
RENT	8030	\$8,400	\$700.00
SHOP & LAB	7246	\$13,224	\$1,102.00
SLUDGE RELATED	7441	\$13,908	\$1,159.00
SPECIAL SERVICES	7970	\$64,716	\$5,393.00
SUPPLIES	7930	\$31,662	\$2,638.50
SYSTEM MAINT. & REPAIR	7952	\$65,544	\$5,462.00
UTILITIES	7934	\$142,152	\$11,846.00
VEHICLE EXPENSES	7931	\$60,348	\$5,029.00
DEBT SERVICE		\$422,219	\$35,184.92
RESERVE & REPLACEMENT		\$112,082	\$9,340.17
TOTAL EXPENSE		\$1,797,000	\$149,750

NITRO ANNEXATION
COMMITTEE MEETING

APRIL 25, 2006

The Annexation Committee Meeting for the City of Nitro was held Tuesday, April 25, 2006 in Council Chambers. Committee Chairman A.A. "Joe" Savilla called the meeting to order at 7:30 pm. Along with Councilman Savilla the following people were in attendance: Councilmen Bill Javins, Bill Clark, and Tim Harrison, Recorder Rita Cox, Treasurer Tifney Terry, Nitro Fire Chief Ernie Hedrick, Nitro Police Chief Jack Jordan, Nitro Firemen Ronnie King, Casey Mathes, and Jeff Elkins, Nitro City employee Ivan Meadows, John Cox, Jeannie and David Young, Karin Fuller and Kevin Cheshire of the Forest Park Homeowners Association, and Dave Gustafson of the Charleston Gazette.

Councilman Savilla opened the meeting by telling those in attendance about a recent meeting between Mayor Casto, some members of Council and City Government and a contingent representing Governor Manchin's Office. The representatives which included Roland Phillip of the West Virginia Development Office, expressed concern that the City of Nitro was trying to take over the a portion of Putnam County with several businesses that do not want to be annexed. Councilman Savilla said that this was not true but that Nitro was going to have to grow either by merging with other towns or taking in outer areas.

Kevin Cheshire of the Forest Park Homeowners Assoc. referred to a petition that was circulated, according to him, under dubious circumstances. The Homeowners thought the petition was for their Association use only, but it was given to Nitro City Council. He expressed an interest in tabling the petition for the time being and asking questions about what might be beneficial to the FPHA. Karin Fuller expressed an interest in retaining business in the area. Mr. Cheshire felt the petition surfaced prematurely and also was concerned about potential job loss due to annexation. Councilman Clark said he believed that Tom Bulla, who represented Governor Manchin, had let Nitro know that they should halt annexation plans as it affects places of employment in Putnam County. He also said that one of the financial effects of annexation would be a change in property taxes but that insurance may go down. He also said that Nitro would be taking on a lot and that it might be a negative to take in Forest Park.

David Young of Rock Branch said he was attending the meeting along with his wife, Jeannie Young, who is a West Virginia State University political science student and fulfilling a class requirement. They are also residents of Rock Branch, an area that is next to Nitro. He said he was approached about signing the petition and declined to do so because he didn't know enough about the prospect. Karin Fuller expressed an interest in fire protection. Casey Mathes answered that Nitro did protect Forest Park due to a Mutual Protection agreement between the areas. Chief Hedrick said that Poca has a volunteer program and that they aren't always prepared to respond. He said a structure fire doubles every three to four minutes and that shows the need for fire protection.

Kevin Cheshire asked about the need for a tax base to meet funding for all the services that would be offered. Chief Hedrick said that would be met by annexing businesses. Mr. Cheshire also questioned whether Nitro had the police power to cover the area of Forest Park. Chief Jordan responded that Nitro did have the manpower. He also responded to a comment concerning whether the Putnam County Sheriff could cover Forest Park since it is private property. The only traffic stops police can make on private property are DUI, vehicular homicide and reckless driving. Councilman Savilla stated that Carriage Way was currently writing a plan to turn their streets over to Nitro to allow the city to patrol them.

Mr. Cheshire stated that both Putnam County and Nitro want the money from Forest Park taxes. He wants what is best for his family. Chief Hedrick stated that fire protection is one of the best things he could do for his family. Councilman Savilla told of a recent fire where two Nitro firemen saved the life of a person inside a structure fire. City Recorder Rita Cox stated that another side of the annexation issue is to not move too quickly and to manage what we have currently and get that in order. Mr. Cheshire again

questioned the method in which the petition was initiated and presented. He felt it had been done in a devious way. He wanted to let the committee know that Forest Park wants to table any talk of annexation. Again he said that he was dissatisfied with the handling of the petition.

Tifney Terry stated that Nitro officials had agreed to meet along with Putnam Co. officials to discuss the impact of annexation but that the Putnam Co. officials won't meet because the facts are not in their favor. Cheshire said there seemed to be another problem in finding out the truth concerning taxes. Karin Fuller asked about speed bumps. Chief Jordan said he did not favor them. He believed in dealing with speeders with radar instead. He also addressed the point that Mr. Messer was involved with the petition that Mr. Cheshire objected to and yet Mr. Messer was appointed Street Commissioner of Forest Park. Mr. Cheshire said he did not like the way the petition was handled but Mr. Messer was a friend of his. Karin Fuller said that speed was a big danger in Forest Park so she was in favor of speed bumps. Councilman Savilla said that they were not good for emergency vehicles. Councilman Clark said that there was a potential for two police presence every hour. Chief Jordan said that roads are a problem everywhere.

Councilman Savilla said we are trying to offer a better way for Rock Branch. Treasurer Terry said that Nitro has the lowest B&O rates in the area but we do not want to run businesses out. Nitro needs to grow but not at the expense of existing business. Councilman Savilla then adjourned the meeting to look at the maps of the City of Nitro with proposed annexation areas.

A. A. "JOE" SAVILLA, ANNEXATION
COMMITTEE CHAIRMAN



RITA COX, RECORDER



Roland W. Meffert, D.C.

803 Eighth Street • Nitro, WV 25143 • (304) 755-4111 • Fax: (304) 755-4131

Proposal for a Nitro Wellness Council

SUBJECT:

Formation of Wellness Council to promote wellness for the citizens of Nitro.

PRESENTED TO:

Mayor Rusty Casto, Nitro City Council and the Nitro Business Organization.

INTRODUCTION:

This is a proposal for the formation of Wellness Council for the city of Nitro. It is my opinion as a healthcare provider in this town, the health and well-being of our citizens need to be promoted throughout the community. It is my belief that Nitro is a small enough community that ideas will not get lost in the shuffle and being that "everyone knows everyone in Nitro" we have a chance of excellent participation of our citizens. I believe that West Virginia being highest in the nation among obesity and heart disease rates that it is up to our citizens to combat this on a community level. I believe that we have an excellent opportunity to do this here in Nitro. If this program is implemented it could shed positive light on Nitro locally, state wide and possibly nationally if everyone in the community strives for its success.

PROPOSAL:

At this time I would like to form a 4-5 member council made up of dynamic individuals that have an interest in improving the health of the community. The council would be responsible for implementation of ideas, scheduling meetings with the community, expressing opinions and exploring ideas. I would like the council to meet bi-monthly and explore the formation of different departments, recruiting volunteers and getting funding for these ideas. One of my goals for this organization is to keep expense to the community an absolute minimum. The following are a list of ideas for programs, which I believe would greatly benefit the community.

1. A weekly walk, either around the community of Nitro or at the Nitro High School. This walk would be open to all community members and anyone that has any business or relationship with the City of Nitro. Guests would also be welcome. I would also like to include guest walkers, for example, members of the West Virginia Power, doctors, local media or other people of interest.
2. I would also like to organize monthly speakers with regards to health and well-being. Speakers on diabetes, nutrition, Alzheimer's, smoking sensation, arthritis, heart disease etc. These speakers would be volunteers. However if grants are available, possibly getting state or nationally recognized speakers periodically.

3. I would also like to have a community health fair twice a year, which would incorporate blood work, diagnostic ultrasound, cholesterol checks and other health and fitness related topics.
4. Nitro's version of "The Big Loser". The reality show awarded a prize to the person that lost the most weight through a health and fitness regimen. We could have a community weigh in, which would include body fat analysis. After a three-month period of time, have another weigh in and the individual that shows the most positive change would be awarded a prize. I would like the Nitro business community to donate the prize. During this time period we would educate on exercise and proper nutrition, to help people achieve their goals.
5. I would also like to propose a "road race for fitness" and have a mini marathon through Nitro. This would expose the runners to the businesses in Nitro. The Nitro business community could award prizes and/or donations could be sought for the winners. This would draw a lot of publicity for the community.
6. I would also like to put together a recipe book by collecting health conscious recipes from members of the community. This would recognize individual members of the community and help to create some funding for the events if we chose to charge for it.
7. Possibly, once a week, running an ad in a local publication featuring "The Healthy Meal of the Week" along with a grocery list of the items to help simplify the preparation process.
8. Another consideration is a health newsletter to be distributed through Nitro. Although this would include a cost to produce, hopefully we could receive grants or other funding to offset it. This newsletter would include information such as healthy choices, different diseases, preventions and cures through medical and alternative means such as articles on exercise, wellness and nutritional supplements.
9. If grants are possible and depending of the amount of funds available, other ideas would include a fitness trail/bike trail and a community gym/recreational center.

I believe that it is important to implement a system of rewards, support and congratulations for the people that participate and are successful in achieving their goals toward improving their overall health. It is easy to tell someone to walk for his or her health but in most cases that is not enough. They have to have tangible benefits to change their attitudes toward wellness. What I am proposing is a community wide support system that provides not only instruction in how to make the needed changes in their daily routines, but more importantly encouragement, support and recognition for achievements. I believe, that through the tight bond that the citizens of Nitro have, that these goals are very reachable.

I welcome and appreciate any ideas, comments or concerns regarding this proposal. I thank you for your time and support. I will follow up with you at a later date to discuss this proposal and if anyone has any questions please do not hesitate to contact me.

Roland W. Meffert, D.C.

CITY OF NITRO
COUNCIL MEETING MINUTES

MAY 16, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Councilmen Bill Javins, Tim Harrison, Bill Racer, A.A. "Joe" Savilla, and Bill Clark, Councilwomen Brenda Tyler and Gertie Estep, Recorder Rita Cox, Treasurer Tifney Terry and City Attorney Troy Giatras.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto requested a Moment of Silence in honor of Mayor Greg Jones of St. Albans who had just passed away. The invocation was given by Councilman Tim Harrison and the Pledge of Allegiance was led by Councilman Bill Javins.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: Councilwoman Brenda Tyler moved the minutes of May 2, 2006 be approved as written. The motion was seconded by Councilman Tim Harrison. The motion passed with full approval.

AGENDA ITEM NO. 4 - REPORTS:

A. RECOGNITION OF FIREFIGHTERS/POLICE/PUBLIC WORKS/OTHER CITY OFFICIALS AND COMMUNITY MEMBERS WHO PARTICIPATED IN THE WAREHOUSE FIRE INCIDENT - Mayor Casto extended words of praise for the response by the Nitro Fire Department in fighting the U.S. Tire fire that occurred May 4, 2006. He also acknowledged the Nitro Police Dept and Public Works Dept. for the response that they showed. He also spoke of the actions of Council members and City Hall staff who assisted in food preparation and meeting the needs of the Firemen and Emergency workers. Councilwoman Tyler said she was proud of all who jumped in to do what needed to be done. She also acknowledge the contributions made by local businesses with food, ice and other assistance. She said this reflected the appreciation businesses have for Emergency Service Workers. Councilman Savilla said he was proud to report to the Kanawha County Commission what a great combined effort was displayed that day. Councilman Harrison specifically pointed out Nitro Public Works employee Howard Spencer who stayed with the Emergency Center all through Thursday night to do what needed to be done. Councilwoman Tyler also commended community churches, St. Paul's Methodist, The Church of God, and Twin City Church, who responded with aid. Councilman Javins said he was impressed by the teamwork and the fact the firemen did not give up. He felt they had control of the fire by Thursday night. Mayor Casto said he appreciated the help of Kanawha County Commissioner Kent Carper.

B. CHARTER COMMUNICATIONS - CABLE TELEVISION FRANCHISE

TRANSFER - City Attorney Troy Giatras said that he had questions concerning the cable franchise transfer. COUNCILMAN SAVILLA MOVED THAT THE RESOLUTION CONCERNING THE CABLE FRANCHISE TRANSFER BE TABLED UNTIL THE NEXT MEETING TO ALLOW THE CITY ATTORNEY MORE TIME TO STUDY IT. COUNCILMAN JAVINS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

C. KEMRON - David Hite of the Department of Environmental protection spoke about recent meetings he had attended with Kemron and Nitro officials concerning how to proceed with the Smith St. Landfill. He said that there are currently three options: proceed as planned with non-residential boat launch; proceed with boat ramp and obtain Certificate of Completion with the option of later changing to residential status; stop the current plan and try for residential status putting off the boat ramp for approximately 1 to 1 ½ years. Councilman Clark addressed the point that Monsanto is believed to be a contributor of the landfill but has appeared to failed to contribute to the clean up costs. He also said he felt it would be difficult to keep children off the site if there is no gate and access has to be maintained to the boat ramp. Councilwoman Tyler said she had concerns about taking on responsibility for the property. She said that Nitro needs to be protected for future responsibility. Mr. Hite pointed out that risk assessment is an important factor. He also noted that the entire site does not have to be residential. The boat launch could be done now and more work done later. COUNCILMAN CLARK MOVED TO PURSUE THE COST OF PUTTING THE SMITH ST. LANDFILL TO RESIDENTIAL STANDARD. COUNCILMAN HARRISON SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY TO PASS THE MOTION. Mr. Hite said that he would attend the next meeting if Council chooses and bring Chris Amick of Kemron and Dawn Seeburger for risk assessment.

D. RECREATION COMMITTEE - Councilwoman Brenda Tyler presented Council with a plan for a proposed second shelter to be built at Children's Park. The existing shelter is rented continuously and there is a need for an addition. The shelter would attach to the one already in place keeping down costs. COUNCILWOMAN TYLER MOVED FOR PARKS AND RECREATION TO BE PERMITTED TO PURSUE FUNDS TO BUILD A SECOND SHELTER. COUNCILMAN CLARK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. Councilwoman Tyler said that the labor would come from Public Works keeping down costs. Councilwoman Estep clarified that the estimate was \$4086.00 from 84 Lumber.

City Treasurer Tifney Terry, speaking for pool manager Casey Mathes, recommended the pool rates for 2006 be \$150.00 for a family pass, \$80.00 for individual pass: daily \$1.00 12 and under, \$2.00 for seniors, and \$4.00 for adults. The rate for pool parties would be \$50.00 per hour with a 2 hour minimum and \$10.00 per hour charge for each lifeguard. COUNCILMAN SAVILLA MOVED THAT THE RATES BE ADOPTED AS RECOMMENDED. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

Councilman Clark reported that he has not been able to contact Ernie Smith that he believes to be the contact person for the BMX Track at the Nitro Park. He stated that the track is in deplorable condition and is not being cared for as committed to. Councilwoman Tyler suggested that a certified letter be sent to Mr. Smith laying out the position of Nitro and proceed to reclaim the property.

E. FINANCE - City Treasurer Tifney Terry addressed the losses to Nitro resulting from the U. S. Tire fire of May 4, 2006. Nitro's losses are currently calculated at \$133,186.00 with \$112,000.00 being the Fire Department's. Bunker gear replacement will be approximately \$24,000.00 if cleaning is not sufficient. The ladder truck will require a minimum of \$10,500.00 to clean and repair. There is a Public Safety Committee meeting of the Kanawha County Commission on Wednesday, May 17, 2006 and there is the potential for emergency funds to be released to help offset losses to Nitro in fuel and overtime. Along with Fire Dept. losses City Treasurer Terry reported there were losses to Public Works and emergency purchases that had to be made. Councilwoman Tyler pointed out that the City of Nitro is in serious condition if there were another fire. COUNCILMAN SAVILLA MADE A MOTION TO PURCHASE WHAT IS NECESSARY TO RESTORE THE FIRE DEPARTMENT LOSSES. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION WAS PASSED WITH UNANIMOUS APPROVAL. Following the vote Mayor Casto spoke about the Fire Marshall's announcement earlier in the day that the U.S. Tire fire was arson. COUNCILMAN SAVILLA MOVED THAT NITRO ADD \$2500.00 TO THE EXISTING REWARD OF \$2500.00 OFFERED BY THE FIRE MARSHALL BRINGING THE AMOUNT TO \$5000.00 FOR THE ARREST AND CONVICTION OF THE ARSONIST(S). COUNCILMAN HARRISON SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION WITH MAYOR CASTO ADDING HIS VOTE FOR THE MOTION.

City Recorder Rita Cox presented Council with the sealed bids on the Utility Software for City Hall. The following bids were submitted: Mountaineer Computer Systems with a bid of Standard/\$10,522.50, Professional/\$14,212.50; Appalachian Software, Inc. with a bid of \$26,690.00 for Application Software, \$4450.00 for Software Support; American Data Group \$71,935.00 with maintenance quarterly \$8882.00; Harris Small Business \$16,660.00 and Able Software at \$66,039.70. COUNCILMAN SAVILLA MOVED THAT THE BIDS BE SENT TO COMMITTEE WITH COUNCILMAN HARRISON SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION. Mayor Casto asked Treasurer Terry to chair the committee joined by Recorder Cox, Councilwoman Tyler and Mayor Casto.

Paving bids received for paving Southern Dr., Michigan Ave. and 3rd Ave. from 21st St. to 4th St. were opened as follows: West Virginia Paving Inc. \$102,259.00 with a \$14,000 deduction with modification on 3rd Ave.; Paving and Resurfacing Inc. at \$104,110.00 COUNCILMAN JAVINS MOVED THAT THE BIDS BE SENT TO A COMMITTEE MADE UP OF WARD COUNCIL FOR CONSIDERATION. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. IT PASSED UNANIMOUSLY.

F. BRANDYWINE HOMES FLEA MARKET SITE - Councilwoman Tyler

expressed a concern about the amount of parking available at the flea market site under construction. She has asked Chief Jordan to inquire about signs reflecting no parking on the highway. Councilman Clark told of a conflict with the owner of the property. He said that the city code required 2 parking spaces per vendor plus 1 per customer per vendor. Councilman Clark requested that the Building Inspector immediately inspect to be sure the builder is in compliance. Councilwoman Tyler also indicated that each vendor is required to get a City Business License. City Attorney Giatras stated that the city needs to see what the building permits originally stated to determine if the builder is in compliance with the ordinance. He said that the Building Inspector has a right to visit the site at any time.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. SECOND READING OF THE BOAT LAUNCH ORDINANCE: City Attorney Giatras suggested tabling the Ordinance until a decision is made concerning how Council proceeds with the property. COUNCILMAN SAVILLA MOVED THAT THE ORDINANCE BE TABLED. COUNCILMAN CLARK SECONDED THE MOTION. IT PASSED UNANIMOUSLY.

B. YARD SALE ORDINANCE - (DRAFT): Councilman Clark said he was prepared to make some changes to the ordinance. He also said the continuous yard sales that are existing in Nitro have come to the attention of the West Virginia Tax Dept. Nitro citizen Sandy Runnion Barr had some information concerning the WV law covering yard sales.

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. APPROVAL TO RELEASE PAYMENT FOR BILLS IN THE AMOUNT OF \$40,593.73: COUNCILMAN CLARK MOVED TO RELEASE MONEY IN THE AMOUNT OF \$40,592.73 FOR THE PAYMENT OF BILLS. THE MOTION WAS SECONDED BY COUNCIL WOMAN TYLER. THE VOTE WAS UNANIMOUS.

B. APPROVAL OF PAYMENT OF BILLS IN THE AMOUNT OF \$123,130.81: COUNCILMAN SAVILLA MOVED FOR APPROVAL OF THE PAYMENT OF BILLS IN THE AMOUNT OF \$123,130.81, SECONDED BY COUNCILMAN HARRISON. COUNCIL VOTED UNANIMOUSLY TO PASS THE MOTION.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS: Councilman Harrison presented a letter concerning the Brownfields request for funding. Nitro did not receive funding but was encouraged to reapply. He requested it be a part of the minutes. He also told of a problem on Hickory St. with parking on both sides of the street there is not room for a fire truck to get through. Gene Javins of the Nitro Police Dept. said that the Police Chief and or Council can make changes in the parking patterns. Councilman Savilla requested that A.J. Hill of Public Works check Bailes Drive for weeds, tree limbs

and trash. He also addressed the Nitro Police Dept. concerning speeding on Bailes Dr. COUNCILMAN CLARK MOVED THAT AN ORDINANCE BE PASSED MAKING THE SPEED LIMIT ON BAILES DRIVE FIFTEEN MILES PER HOUR. IT WAS SECONDED BY COUNCILMAN SAVILLA. THE VOTE WAS UNANIMOUS. Councilman Clark urged all who could to attend the meeting at Putnam Co. Commission on Thursday, May 18, 2006 concerning annexation. Councilwoman Tyler urged Mayor Casto to contact Mary Trout of the NDA to appoint members to terms that have expired. Recorder Cox reported that new street signs would begin being put up in the end of May or the first of June, according to A.J. Hill of Public Works.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

A. The next regularly scheduled meeting of Council will be Tuesday, June 6, 2006 at 7:30 pm in Council Chambers. The second meeting date for June is to be announced but will potentially be June 27, 2006.

AGENDA ITEM NO. 9 - PUBLIC FORUM

Wayne Fleishman reported that the Antique Days of June 2 and 3, 2006 is proceeding as planned. There is to be a car show as well as a city-wide yard sale. He also said there was to be a meeting of the Nitro Business and Professional Assoc. on Monday, May 22, 2006 at the Community Center. COUNCILMAN SAVILLA MOVED THAT PARKING BE ELIMINATED ON ONE SIDE OF 21ST ST. FROM 2ND AVE. TO THE POST OFFICE FOR ANTIQUE DAY. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE VOTE WAS UNANIMOUS.

COUNCILWOMAN TYLER MOVED THAT LITTLE LEAGUE HAVE THE HELMUT DRIVE ON JUNE 3, 2006. COUNCILMAN CLARK SECONDED THE MOTION. IT PASSED UNANIMOUSLY.

Treasurer Terry urged the Ward Council Committee to begin meeting concerning the storm water issue.

Mr. Higginbotham disputed the ruling concerning water runoff. A.J. Hill said it was determined that Mr. Higginbotham's line was not functioning properly.

AGENDA ITEM NO. 10 - ADJOURNMENT

COUNCILWOMAN TYLER MOVED FOR ADJOURNMENT.
COUNCILMAN HARRISON SECONDED THE MOTION.



RUSTY CASTO, MAYOR



RITA COX, RECORDER



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 12 2006

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Mr. Tim Harrison
Project Coordinator and City Councilman
City of Nitro
1007 Dupont Avenue
Nitro, WV 25143

Dear Mr. Harrison:

Thank you for submitting grant proposals to the Environmental Protection Agency's (EPA) National Brownfields Program award competition. I regret to inform you that your proposals have not been selected because they did not score high enough on the ranking criteria established in the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (October 2005). EPA received over 690 grant proposals for consideration and had funds to award approximately 280 of the highest ranking proposals.

Your proposals were evaluated along with other proposals received by the deadline as part of the National Brownfields Program award competition for 2006. All of the proposals were evaluated by panels consisting of EPA staff, as well as other Federal representatives. These panels assessed how well the proposals met the criteria outlined in the Proposal Guidelines.

Although your proposals were unsuccessful this round, we encourage you to consider reapplying in 2007 should funding become available. In addition, if you have questions as to why you were not selected for funding, you may request a debriefing from the Brownfields Coordinator within fifteen calendar days of receiving this letter. For further information about the debriefing process and any dispute rights with respect to competition-related issues under this announcement, please refer to Section VI of the proposal guidelines.

If you have questions regarding the next round of grant selections, please contact your EPA Regional Brownfields Coordinator, Tom Stolle, at 215-814-3129.

I commend your efforts and appreciate the time and energy you put into preparing your grant proposals. Although your proposals were not selected, we thank you for your continued efforts to return brownfields to productive use.

Sincerely,

David R. Lloyd, Director
Office of Brownfields Cleanup and Redevelopment

cc: Tom Stolle

CITY OF NITRO
COUNCIL MINUTES
JUNE 6, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Councilmen Bill Javins, Tim Harrison, Bill Racer, A.A. "Joe" Savilla, and Bill Clark, Councilwomen Brenda Tyler and Gertie Estep, Recorder Rita Cox, Treasurer Tifney Terry and Acting City Attorney John Little.

AGENDA ITEM NO. 2 - INVOCATION: Councilman Savilla led the invocation with a moment of silence for Mrs. Dorothy Hudson, Nitro citizen and Mother of Margaret Hudson, who recently passed away. The Pledge of Allegiance was led by Councilman Bill Racer.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN ESTEP MOVED THE MINUTES OF MAY 16, 2006 COUNCIL MEETING BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN BILL CLARK. Councilman Harrison indicated there was a mistake in the amount of the bid form Mountaineer Computer Systems: \$10,522.50 is the corrected amount. THE MOTION PASSED WITH FULL APPROVAL.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH - Retiring Nitro City Employee Dennis McNealy was honored as June, 2006 Citizen of the Month. Dennis is retiring at the end of June, 2006 with 37 years of service to the City of Nitro as an employee of the Public Works Dept. Councilman Savilla said Dennis was a hard worker and did not require the spotlight, he simply wanted to get the job done. Mayor Casto said that he has been a valued employee.

Councilwoman Tyler introduced Rob Greenleaf, the new manager of Nitro Marketplace Walmart Supercenter. Mr. Greenleaf said that he had relocated to this area and wanted to be a good neighbor to Nitro. He expressed his regrets about the recent mix-up with donations during the May tire fire.

B. CHARTER COMMUNICATIONS - CABLE TELEVISION FRANCHISE TRANSFER: Acting City Attorney John Little advised Council that he felt that the agreement was what the city had been operating under and that by signing it the City of Nitro was simply formalizing the agreement. His recommendation was to sign it and permit the transfer to Cebridge. COUNCILMAN HARRISON MOVED THAT COUNCIL PERMIT MAYOR CASTO TO SIGN THE AGREEMENT WITH CHARTER COMMUNICATIONS. COUNCILMAN CLARK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

C. KEMRON/DNR BOAT LAUNCH - Chris Amick of Kemron said that the Miller house located in the Smith St. Landfill area is to be demolished in June, weather permitting. This will allow for the final capping to be done. If city gets a Certificate of Completion for the Boat Launch to proceed that would be done under Commercial Status. This would apply to the paved area. The unpaved area could later be approached as Residential Status. David Hite said that the original agreement that the City of Nitro had with FMC was for non-residential. The boat launch could be started in the fall of 2006 and completed in 2007. Councilman Racer asked if paving alone would make the area safe for playing. Amick said it would help. Hite said that usage is not the risk. Attorney John Little said that there are slight changes in the lease that was originally presented. The current lease states that the DNR is taking control of the paved area only. He presented Council with two copies of the lease with the changes made. COUNCILMAN SAVILLA MOVED THAT THE LEASE BE TABLED UNTIL THE NEXT MEETING. COUNCILMAN HARRISON SECONDED THE MOTION. COUNCIL VOTED FOR THE MOTION. Following the vote Councilman Clark stated that the city did not want to give DNR control over the entire area. COUNCILMAN CLARK MOVED THAT THE MOTION BE TAKEN OFF THE TABLE. COUNCILMAN JAVINS SECONDED THE MOTION. VOTING FOR THE MOTION WAS CITY

RECORDER COX, COUNCILWOMAN TYLER, COUNCILMEN JAVINS, HARRISON AND CLARK. VOTING AGAINST THE MOTION WERE COUNCILMEN RACER AND SAVILLA, AND COUNCILWOMAN ESTEP. THE MOTION PASSED. COUNCILMAN CLARK MOVED THAT COUNCIL ACCEPT THE REVISED AGREEMENT WITH THE DNR WHICH RESTRICTS THE DNR OVER THE PAVED AREAS ONLY AND LEAVES THE UNPAVED AREA UNDER COUNCIL CONTROL. COUNCILMAN JAVINS SECONDED THE MOTION. VOTING FOR THE MOTION WAS COUNCILWOMAN TYLER, RECORDER COX, COUNCILMEN JAVINS, HARRISON, AND CLARK. VOTING AGAINST IT WERE COUNCILWOMAN ESTEP, COUNCILMAN RACER AND SAVILLA. THE MOTION PASSED. Councilman Clark requested that Hite and Amick return in 30 days to update council on the cost of the boat launch.

D. MS4/STORM WATER MANAGEMENT COMMITTEE: Councilman Bill Javins reported a meeting was held in Council Chambers on May 24 to discuss the federally mandated MS4/Storm Water Management. He stated that this was potentially a 25 year plan. The purpose is to separate all waters (storm and sewer). There will be public informational meetings held. There will be costs incurred. Councilman Savilla said that Councilmen Racer and Harrison are co-chairs of the committee. Councilman Javins said that the next meeting will be June 22, 2006 at 7:00 pm in Council Chambers with Ashok Sangavi of S & S Engineering.

E. RECREATION COMMITTEE: COUNCILWOMAN TYLER MOVED THAT THE NITRO LITTLE LEAGUE HOLD A CLOSING DAY PARADE SATURDAY JUNE 10 AT 10:00 AM FROM MCDONALDS TO NITRO CITY PARK ON FIRST AVE. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED UNANIMOUSLY. COUNCILWOMAN TYLER MOVED THAT THE CITY OF NITRO HOST 9, 10 11 YEAR OLD GIRLS SOFTBALL STATE TOURNAMENT AT THE CITY PARK, AND INCLUDES A POOL PARTY AND COOKOUT ON JULY 14 FROM 6:30 TO 9:00 PM. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED UNANIMOUSLY.

Councilwoman Tyler made a motion that July 22 be designated for turning over the pool revenues to the city recreation fund. Councilman Savilla expressed a concern about the legality of not honoring season/family passes for that day. Attorney Little was asked to research the city's obligation and report back to Council. Councilwoman Tyler withdrew the motion.

Councilwoman Tyler stated that Sept. 16, 2006 is a day for Veterans of WWII and all other veterans are to be honored in Nitro. COUNCILWOMAN TYLER MOVED THAT A PARADE BE HELD AT 11 AM SEPTEMBER 16, 2006. COUNCILMAN SAVILLA SECONDED THE MOTION. IT PASSED UNANIMOUSLY. There will be a cookout also. Nitro Citizen Dewey Mann will be honored.

Councilwoman Tyler presented to Council a proposal for Mary Bird of the Nitro VFW to raise money for and display 13 flags for the original colonies along 1st Ave. in Nitro. Mayor Casto stated that the WV Dept. of Highways and the Railroad Co. will have to approve. COUNCILWOMAN TYLER MOVED THAT THE CITY APPROVE THE PURSUIT OF PERMISSION TO DISPLAY THE 13 FLAGS ALONG THE RAILROAD TRACKS ON FIRST AVENUE. COUNCILMAN CLARK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. Councilman Savilla would like a document be read into the minutes to acknowledge the flags..

F. FINANCE REPORT: City Treasurer Terry presented Council with updated check information. Councilwoman Estep asked about four checks going to the Firemen's pension fund. Two of the checks were for Firemen and two were Police. Treasurer Terry said they were required payments. Councilwoman Estep asked about Foley Services which Treasurer Terry said were for drug testing kits. Councilwoman Estep asked about payments to Sam's and Walmart which were believed to be pool supplies and bananas. Councilman Clark asked about payments to KRT which were determined to be for fuel. Councilman Racer questioned all the different telephone charges. Treasurer Terry said that they were previous obligations, land lines, and computers.

COUNCILMAN CLARK MOVED FOR APPROVAL OF THE PAYMENT OF BILLS IN THE AMOUNT OF \$189,683.25. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE MOTION PASSED UNANIMOUSLY.

COUNCILMAN HARRISON MOVED FOR APPROVAL TO RELEASE PAYMENT FOR BILLS IN THE AMOUNT OF \$115,776.19. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE VOTE WAS UNANIMOUS FOR THE MOTION.

AGENDA ITEM NO. 5 OLD BUSINESS:

A. SECOND READING - ORDINANCE BOAT LAUNCH: Attorney John Little read by title only the amended ordinance/lease agreement: THE LEASE AGREEMENT BETWEEN THE CITY OF NITRO AND THE STATE OF WEST VIRGINIA, BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES, PUBLIC LAND CORPORATION, FOR THE USE AND BENEFIT OF THE WILDLIFE RESOURCES SECTION. COUNCILMAN SAVILLA MOVED THAT COUNCIL ACCEPT THE AMENDED ORDINANCE WITH A SECOND BY COUNCILMAN CLARK. IT PASSED UNANIMOUSLY.

B. YARD SALE ORDINANCE - (DRAFT) - Councilman Clark requested that members of council send any changes that they want to make in the yard sale ordinance to Attorney John Little. Councilman Clark wanted to amend the ordinance to allow them anywhere in the yard. Councilman Javins suggested permits for yard sales be denied to anyone who has outstanding city fees.

C. PAVING BIDS - Councilman Javins stated that the Paving Committee met May 24 and discussed the two bids. One bid from WV Paving was for \$88,000.00 and Treasurer Terry said that the \$8000.00 overage could be found. The committee voted not to accept either of the bids. The decision was made to resubmit invitation to bid. The committee will meet after the next Council meeting. Councilman Javins said that following the Paving Committee meeting they went with

Public Works Department Head, A.J. Hill to tour the City of Nitro and view some problem areas. He stated that a slip on 31st St. E. needs to be addressed. It was also determined the 37th St. is too narrow for a fire truck among other problems. Councilman Clark suggested that Council reconsider accepting the bid from WV Paving for paving as originally bid. Councilman Javins agreed. Councilwoman Tyler had questions concerning the fact that bids have already come in. Councilman Savilla said we can refuse any bid if it is over our budgeted amount. Councilman Clark deferred to the Paving Committee.

D. CAT ORDINANCE - COUNCILMAN HARRISON MOVED THE CAT ORDINANCE BE REMOVED FROM THE TABLE, SECONDED BY COUNCILMAN CLARK, COUNCIL PASSED IT UNANIMOUSLY. Councilman Harrison said it was to protect cats. The ordinance was read 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. COUNCILMAN HARRISON MOVED THAT THE ORDINANCE BE ADOPTED. IT WAS SECONDED BY COUNCILMAN SAVILLA. Councilman Racer questioned whether it can effectively be enforced. Councilman Harrison

said it was to give the Animal Control Officer more uniformity since Dunbar already has a Cat Ordinance in place. Councilwoman Estep said she could see not see it applying to cats. VOTING FOR THE MOTION WERE COUNCILMAN JAVINS, HARRISON, SAVILLA, CLARK, COUNCILWOMAN TYLER, CITY RECORDER COX. VOTING AGAINST THE MOTION WERE COUNCILMAN RACER AND COUNCILWOMAN ESTEP. THE MOTION PASSED.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS - Wayne Fleshman spoke about the Nitro Antique Days held the previous weekend. It was considered a success, included a car show and cruise in. He said a car show was being planned for Oct. 21 to help raise money for Christmas Baskets. He thanked all the people who helped with the Antique Days.

Mayor Casto said the pool opening was successful and thanked all the helpers. Leslie Oxley gave a report on the pool opening.

Councilman Harrison requested a copy of the ordinance to be sent to Rodney Dunn, Animal Control Officer for the Cities of Nitro and Dunbar.

Councilman Racer said the city needs to address weight limits on trucks on 31st St. E. and 2nd Ave. He also requested that the slip on 31st St. needs to be addressed.

COUNCILMAN SAVILLA MOVED THAT THE WEIGHT LIMITS ON 31ST ST. E. AND 2ND AVE. BE STUDIED BY THE TRAFFIC COMMITTEE. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED UNANIMOUSLY.

Councilman Clark spoke in praise of the Nitro Police Department.

Councilwoman Tyler asked why 23rd St. is one-way. Mayor Casto said it went back to a time when delivery trucks went through the alley. She also expressed a concern that there will not be enough parking at the Brandywine Flea Market.

City Recorder Rita Cox said she had gotten a call from a homeowner near the perpetual yard sales on Rt. 25 to complain.


AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE

COUNCILMAN CLARK MOVED COUNCIL MEET ON TUESDAY, JUNE 27, 2006 AT 7:30 PM IN COUNCIL CHAMBERS, THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA AND PASSED UNANIMOUSLY.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Rob Greenleaf, the new Manager of Walmart, informed Council that Walmart is making a grant of \$1000.00 to the Parks and Recreation Dept. to help fund the Children's Playground. He is also making a donation of \$1000.00 for funding of t-shirts or however it is to be used by the City.

Dean Sigmon addressed Council concerning drainage problems on Easter Rd. Mr. Higginbotham talked about the same issue.

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILMAN SAVILLA MOVED THAT THE MEETING BE ADJOURNED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR ADJOURNMENT.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

RESOLUTION NO. 06-01**RESOLUTION OF THE CITY OF NITRO, WV
APPROVING THE CHANGE OF CONTROL OF THE CABLE TELEVISION
FRANCHISE**

WHEREAS, ARH, Ltd. ("Franchisee") owns, operates, and maintains a cable television system ("System") serving the City of Nitro, WV pursuant to a franchise agreement (the "Franchise") issued by the City of Nitro, WV (the "Franchise Authority"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Charter Communications Operating, LLC ("Charter") has entered into an Asset Purchase Agreement (the "Agreement") with Cebridge Acquisition Co. LLC in which, among other things, the Franchisee proposes to sell and assign to Cebridge Acquisition Co. LLC all of the issued and outstanding equity (the "Shares") of the Franchisee (the "Transaction"); and

WHEREAS, Cebridge Acquisition Co. LLC will assign, among other things, its right to acquire the Shares of the Franchisee under the Agreement to an indirect subsidiary of Cebridge Connections Holdings, LLC ("Cebridge") prior to the closing of the Transaction; and

WHEREAS, Franchisee and Cebridge have requested the consent of the Franchise Authority for the assignment of the Shares of the Franchisee in accordance with the requirements of the Franchise and applicable law and have filed with the Franchise Authority an application on FCC Form 394 that includes relevant information concerning the Transaction and the legal, technical and financial qualifications of Cebridge (collectively, the "Application"); and

WHEREAS, Franchisee has requested that the term of the Franchise be extended for a period of 36 months following the date of the closing of the Transfer (the "Closing Date"); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of Cebridge, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

WHEREAS, the Franchise Authority believes it is in the interest of the community to approve the Application and the assignment of the Shares of the Franchisee to Cebridge, as described in the Application.

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves the Application and consents to the assignment of the Shares of the Franchisee to Cebridge, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. The Franchise Authority confirms that (a) the Franchise was properly granted or assigned to Franchisee and is in full force and effect, (b) the Franchise represents the entire

understanding of the parties and the Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (c) the Franchisee is materially in compliance with the provisions of the Franchise and applicable law, and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights of Franchisee thereunder.

SECTION 3. The Franchise Authority hereby consents to and approves (a) the pledge or grant of a security interest to any lender(s) in Cebridge's assets, including, but not limited to, the Franchise, or of interests in Cebridge, for purposes of securing any indebtedness; and (b) the assignment or transfer of Cebridge's assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Cebridge.

SECTION 4. The Franchise Authority hereby extends the term of the Franchise for a period of 36 months following the Closing Date;

SECTION 5. The Franchise Authority's approval of the Application and its consent to the assignment of the Shares of the Franchisee to Cebridge shall be effective immediately, and Cebridge shall notify the Franchise Authority upon the Closing Date.

SECTION 6. The Franchise Authority releases Charter, effective upon the Closing Date, from all obligations and liabilities under the Franchise and applicable law that accrue on and after the Closing Date; provided that Cebridge shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

SECTION 7. This Resolution shall have the force of a continuing agreement with Franchisee and Cebridge, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee and Cebridge.

PASSED, ADOPTED AND APPROVED this 6th day of June, 2006.

CITY OF NITRO, WV

By: _____
Name: _____
Title: _____

ATTEST:

K. A. Paul Bearden

Clerk

**DIVISION OF NATURAL RESOURCES**

Capitol Complex, Building 3, Room 643

1900 Kanawha Boulevard, East

Charleston WV 25305-0661

Telephone (304) 558-3225

Fax (304) 558-3680

TDD (304) 558-1439

TDD 1-800-354-6087

May 23, 2006

Joe Manchin III
GovernorFrank Jezioro
DirectorMr. Troy Giatras
City Attorney
City of Nitro
118 Capitol Street, 4th Floor
Charleston, WV 25301RE: City of Nitro PAS
Lease Agreement
LE-04-V/20-925

Dear Mr. Giatras:

As per our recent telephone conversation, enclosed for review and signature is a revised original and one (1) copy of a Lease Agreement by and between the City of Nitro and the West Virginia Division of Natural Resources.

The lease area has been reduced to allow the City of Nitro to develop a recreational area. Please note, the City will have to provide parking for any facilities they plan to construct.

Please have all copies of the agreement executed where indicated, with the City of Nitro seal attached, have the signature of the person executing the agreement on behalf of the City attested to where indicated to the left of the signature and have the notary acknowledgments completed with their seal attached prior to returning both copies to this office in the enclosed self-addressed, postage-paid envelope for further processing along with an ordinance enacted by the City of Nitro authorizing the agreement as required by the State Attorney General's Office for approval of the agreement. Once signed and approved by all parties, a fully executed copy will be forwarded to you and the City of Nitro for your files.

Should you have any further questions in this matter, please contact this office at (304) 558-3225.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen Davis".
Stephen Davis, Land Agent
Real Estate Management Section

SD:sc

Enclosures

LEASE AGREEMENT

LE-04-V/20-925

THIS LEASE AGREEMENT, dated as of the 24th day of April, 2006, by and between the CITY OF NITRO (hereinafter referred to as City), and THE STATE OF WEST VIRGINIA, BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES, PUBLIC LAND CORPORATION, for the use and benefit of the WILDLIFE RESOURCES SECTION, (hereinafter referred to as Division);

W I T N E S S E T H :

WHEREAS, the Division is charged by Chapter 20 of the Official Code of West Virginia of 1931 as amended, with the duty of providing a comprehensive program for the conservation, development, protection, enjoyment, and use of the natural resources of the State of West Virginia and is charged by said law with the provision, operation, and maintenance of such facilities as may be necessary, desirable, or convenient for the use of the public for recreation; and

WHEREAS, the Kanawha River is an important natural resource of the state; and

WHEREAS, water-related recreation, including fishing and boating, is an important resource of the state, county, and community; and

WHEREAS, the Division desires to enter into an agreement with the City to obtain from the City permission to utilize a portion of their property for the construction, operation, and maintenance of a boat ramp, parking area and fifty-foot (50') right-of-way to same for public use adjacent to the Kanawha River; said property being located and shown on the attached map highlighted in green, all in Nitro Municipal District, Kanawha County, West Virginia.

NOW, THEREFORE, and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1) The City does hereby grant, demise and lease unto the Division and its assigns a parcel of land, more fully described below, along with permission and authorization to construct, operate and maintain a boat ramp, parking area and fifty-foot (50') right-of-way thereon for the purpose of providing public access to the Kanawha River; said property being located adjacent to the Kanawha River and described as beginning at a point on the bank of the Kanawha River; thence in an easterly direction with approximately 232' to a point; thence in a southerly direction approximately 60'; thence in a southeasterly direction approximately with the parking area access road 150' to a point in the fifty-foot (50') right-of-way; thence in a southerly direction approximately 20' to a point in the fifty-foot (50') right-of-way; thence in a westerly direction approximately 330' to a point on the parking area access road; thence in a southerly direction approximately 24' to a point on the property line; thence in a westerly direction approximately 100' to a point; thence in a southerly direction approximately 115' to a point; thence in a westerly direction approximately 112' to a point on said river bank; thence with said river bank in a northerly direction approximately 290' to the point of beginning located and shown highlighted in green on the map marked as Exhibit A attached hereto and hereby made a part of this Agreement. Being a portion of the same land more fully described in that certain deed from the West Virginia Water Company and the C & S Co. Partnership to The City of Nitro dated June 30, 1974 and May 23, 2001, and recorded in the Kanawha County Clerk's Office in Deed Book 1445 and 2526, at page 409 and 578.

2) The TERM of this Agreement shall be for a period of TWENTY-FIVE (25) YEARS from the date hereof. At the end of said term, this Agreement may be renewed by the two parties agreeing to same in writing.

3) The Division will use the above-described land to develop a public access site to the Kanawha River and to promote and regulate all other activities consistent with herein-after-mentioned stipulations and size and location of the subject property.

4) The Division shall place the subject property under management which shall include stocking, enforcement, establishing regulations, and supervising habitat improvement endeavors thereto.

5) The Division shall not authorize camping to be permitted on the subject property at any time during the term of this Agreement.

6) The parking area to be constructed by the Division for the public access site will not be used to provide parking for the City's proposed facilities to be constructed on the adjacent area.

7) That said City covenants and agrees that the Division shall not be responsible for the reclamation and maintenance of the existing land fill located on the subject property and that the Division will not be responsible for any damage, maintenance or repairs to the reclaimed land fill as a result of the construction and use of a public access site on the subject property.

8) The City stipulates that the general public shall have full and free year-round use of the subject property for the purpose of launching and retrieving watercraft. Any exceptions to this stipulation must be reviewed and agreed to by both parties in writing.

9) The City covenants that the Division shall, at all times during the term of this Agreement, peaceably and quietly have, hold and enjoy the subject property.

10) The City will be responsible for the collection and disposal of refuse resulting from the use of the access site by the general public and will provide law enforcement coverage for the site.

11) No use, however extended, of the above-described land under this Agreement shall be taken as creating or vesting in the Division any ownership in said property.

12) The City's liability for injury or damage to persons or property utilizing the subject area is limited by Chapter 19, Article 25, "Limiting Liability of Landowners," of the Official Code of West Virginia, 1931, as amended. A copy of said article is attached hereto and hereby made a part of this Agreement.

13) It is covenanted and agreed by and between the parties hereto that the Division shall have the right to cancel this Agreement without further obligation on the part of the Division, upon giving thirty (30) days' written notice to the City.

IN WITNESS WHEREOF, the State of West Virginia, Bureau of Commerce, Division of Natural Resources, Public Land Corporation, and the City of Nitro, have hereunto caused their respective names to be signed hereto, all by proper officer thereto duly authorized, as of the day and date herein written.

ATTEST:

STATE OF WEST VIRGINIA
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES
PUBLIC LAND CORPORATION

Secretary
(Seal)

By _____
Its Director

ATTEST:

CITY OF NITRO

Its _____

By _____
Its _____

(Seal)

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, To-wit:

I, _____, a Notary Public in and for said county
and state aforesaid, do hereby certify that _____ who
signed the writing hereto annexed bearing date the 24th day of April, 2006, as
_____ of the City of Nitro, has this day in my said county,
before me, acknowledged the said writing to be the act and deed of said City.

Given under my hand this _____ day of _____, 2006.

My commission expires _____.

(Seal)

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, To-wit:

I, _____, a Notary Public in and for the county
and state aforesaid, do hereby certify that Frank Lezine, Director of the
Division of Natural Resources, Bureau of Commerce, State of West Virginia, who
signed the foregoing and annexed writing, bearing date the 24th day of April,
2006, has this day in my said County and State, before me, acknowledged the said
writing to be the act and deed of said Division.

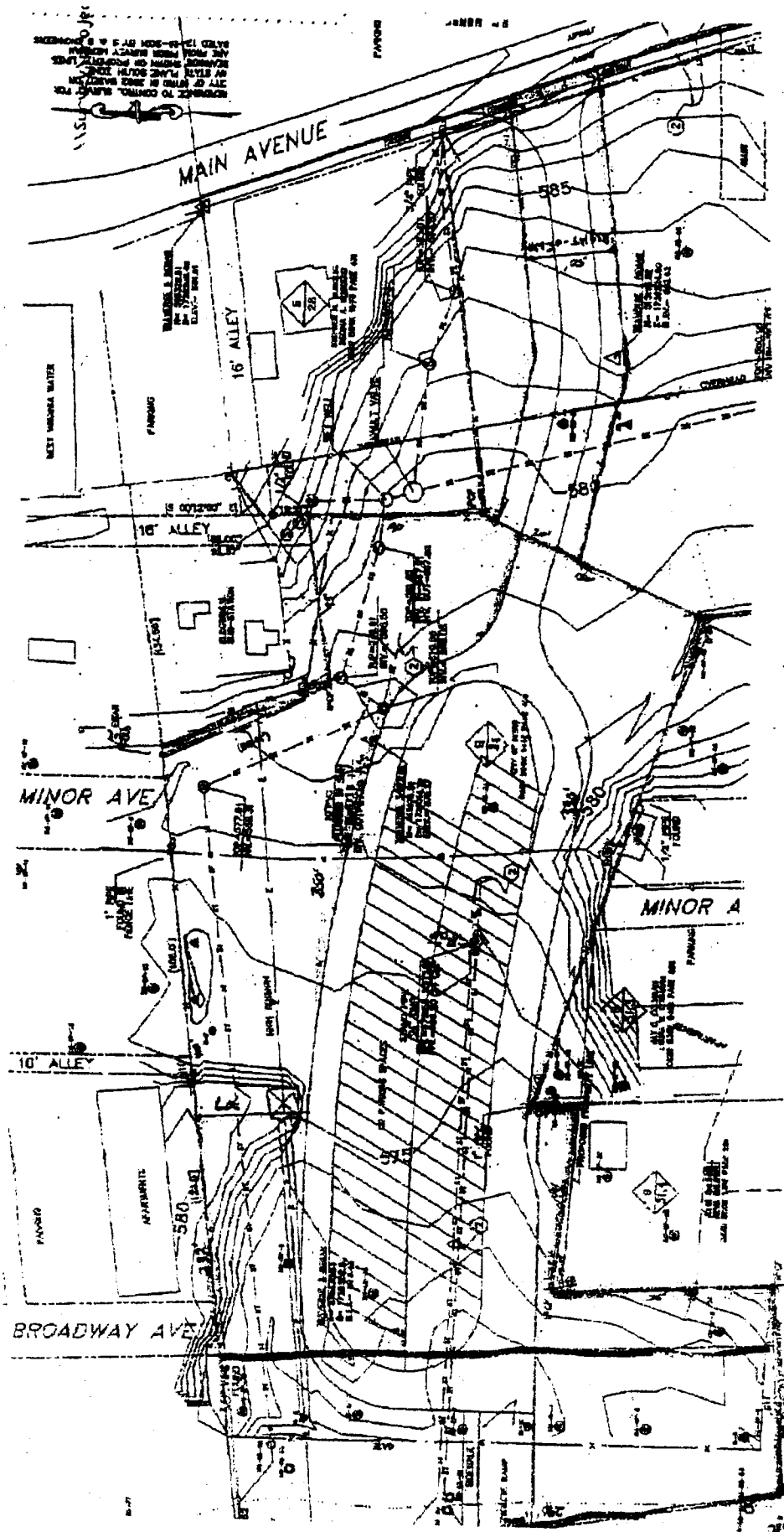
Given under my hand this _____ day of _____, 2006.

My commission expires _____.

(Seal)

Notary Public

Prepared by: Real Estate Management Section
Division of Natural Resources
Bureau of Commerce
Charleston, WV 25305-0361




Nitro Lions Little League
P.O Box 464
Nitro, WV 25143
304-755-9548

June 4, 2006

Dear Mayor and Nitro City Council,

The Nitro Lions Little League would like to request permission to hold the Closing Day Little League parade on June 10th at 10:00 a.m. The parade will begin near the McDonald's and end at the Nitro City Park. Closing Day ceremonies will be held at the Nitro City Park immediately after the parade. We appreciate your time in considering this request and thank you for your support of Nitro Lions Little League. Thank you.

Sincerely,



Ivan D. Meadows
President
Nitro Lions Little League

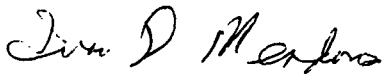
Nitro Lions Little League
P.O Box 464
Nitro, WV 25143
304-755-9548

June 4, 2006

Dear Mayor and Nitro City Council,

Please accept this letter as a request for the City of Nitro to sponsor party for the 9, 10, 11 year old Girls Softball State Tournament that will be held at the Nitro City Park. We are requesting that the City of Nitro provide the Nitro City Pool and a cookout on the evening of July 14th from 6:30pm to 9:00pm. Thank you for your consideration in this matter.

Sincerely,



Ivan D. Meadows
President
Nitro Lions Little League

ORDINANCE NO.: 05-02

Introduced in Council

June 6, 2006

Introduced by:

Councilman Jim Harrison

Adopted by Council:

June 27, 2006

Referred to:

Planning Commission

An Ordinance to amend, append and modify the Animal and Fowl Ordinance, Article 505 of the Ordinances of the City of Nitro, West Virginia.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA**

505.005:

"Cat" means and includes all members of the feline family, of either sex, unless otherwise specified hereinafter.

505.29 LICENSE REQUIRED.

Every person owning, maintaining or harboring a dog in the City shall comply with all requirements for acquiring a dog license from the appropriate county, whether it be Kanawha or Putnam County.

(4) 505.14 DOGS RUNNING AT LARGE ROAMING AT LARGE.

505.14 (a) The owner of a dog or person harboring or keeping a dog shall not allow such dog to roam at large in the city. The owner of a dog or person harboring or keeping a dog shall confine such dog at the owner's premises or the premises of such person harboring or keeping such dog. No person shall take any dog onto the street, sidewalks or public places of the City unless the dog shall be upon a leash or under effective control.

505.14 (b) CATS ROAMING AT LARGE.

No owner or keeper of any cat shall permit it to roam at large within the City at any time, except on the property owned or occupied by the owner of such cat. Any cat found roaming at large in violation of this section shall be seized by the animal warden and forthwith impounded.

505.30 INTERFERENCE WITH ENFORCEMENT.

(a) No person shall hinder, molest or interfere with any person authorized or empowered to perform any duty under this article, nor shall any person attach a license tag to any dog to which it was not issued, or remove a license tag from the collar of any dog without the consent of its owner.

(b) Except for persons duty authorized herein, no person shall entice any properly licensed dog into any enclosure for the purpose of taking off its collar or tag, or, for such purpose, decoy or entice any dog out of the enclosure or house of its owner or possessor, or seize or molest any dog which is held by any person, or bring any dog into the City for the purpose of impounding and killing the same.

(6) 505.27 KEEPING VICIOUS DOG

~~No person shall own, keep or harbor any dog know by him to be vicious, dangerous or in the habit of biting or attacking persons, whether o not such dog wears a tag or muzzle, and upon satisfactory proof that such dog is vicious, dangerous or in the habit of biting or attacking persons, the Animal Warden or any police officer may cause such dot to be impounded and disposed of in manner provided in the article.~~

(a) Definitions.

(1) A "vicious" dog as the term is used in this section means:

A. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

B. Any dog which attacks a human being or a domestic animal on two or more occasions without provocation; or

C. Any pit bull terrier which is defined as any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified Veterinarian duly licensed as such by the State.

(2) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (b) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet.

(b) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(c) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the City Manager.

505.31 EXCREMENT

Neither the owner of a dog or any person having charge of a dog, whether such dog is on a leash or not, shall allow such a dog in their charge to deposit animal excrement or other animal wastes upon any public or private property or otherwise damage any public or private property.

505.99 PENALTY.

(e) (1) Whoever violates the provisions of Section 505.27 shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when in the Court's Judgment, such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating Section 505.27 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding the veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(2) Whoever violates provisions of Section 505.27 on a second occasion with the same dog shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both, and shall be required to post bond with the City in the amount of one thousand dollars (\$1,000) in consideration for being permitted to keep the dog, so long as the dog is kept in conformance with the provisions of this article

Rita Coy Recorder

CITY OF NITRO
COUNCIL MINUTES
JUNE 27, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Councilmen Bill Javins, Tim Harrison, Bill Racer, A.A. "Joe" Savilla, and Bill Clark, Councilwomen Gertie Estep and Brenda Tyler, Recorder Rita Cox, Treasurer Tifney Terry and City Attorney Troy Giatras.

AGENDA ITEM NO. 2 - INVOCATION: The invocation was led by Councilman Savilla and Pledge of Allegiance was led by Albert Walls.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILMAN CLARK MADE THE MOTION THAT COUNCIL APPROVE THE MINUTES OF THE JUNE 6, 2006 MEETING. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED WITH UNANIMOUS APPROVAL OF COUNCIL.

AGENDA ITEM NO. 4 - REPORTS:

A. MS4/STORM WATER MANAGEMENT COMMITTEE - Councilman Javins reported on the meeting held on June 22, 2006 with Ashok Sangavi reporting on an overview of the MS4 requirements mandated by the United States Government. The meeting was attended by Councilmen Javins and Harrison, Danny Lewis of the Nitro Sanitary Board and City Recorder Rita Cox. Mr. Sangavi reported on other cities that had implemented the programs already and suggested that Nitro City Council meet with their representatives for advice. Public Works department head A. J. Hill reported that public education is important and most all forms and paperwork involved are available from the state of Pennsylvania by way of the internet. He also said a mascot is important for recognition. Councilman Harrison said he is trying to arrange a meeting with Hurricane officials.

B. RECREATION COMMITTEE - Councilwoman Tyler said that the proposed fund raiser at the Nitro Pool was being held off until August. She also said she had a solution to the pool pass issue that had come up at a previous meeting. She said that pool passes would be honored on the day of the fund raiser but there would be a ticket purchase required to take part in other activities.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. YARD SALE ORDINANCE (DRAFT) - Councilman Clark thanked City Attorney Troy Giatras for his work in putting together the ordinance. City Attorney Giatras said any proposed changes to the ordinance could be faxed to his office.

B. CAT ORDINANCE - COUNCILMAN HARRISON MOVED THAT ATTORNEY TROY GIATRAS READ BY TITLE ONLY THE SECOND READING OF THE ORDINANCE PERTAINING TO DOGS AND CATS. COUNCILMAN CLARK SECONDED THE MOTION. VOTING FOR THE MOTION WERE COUNCILMEN JAVINS, HARRISON, RACER, SAVILLA AND CLARK, COUNCILWOMAN TYLER AND CITY RECORDER COX. VOTING AGAINST THE MOTION WAS COUNCILWOMAN ESTEP. THE MOTION CARRIED. Attorney Giatras read by title the ordinance. COUNCILMAN HARRISON MOVED THAT THE ORDINANCE BE ADOPTED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. Councilwoman Estep asked for clarification concerning the penalty for a vicious dog. VOTING FOR THE MOTION WAS COUNCILMEN JAVINS, HARRISON, SAVILLA, AND CLARK; COUNCILWOMEN ESTEP AND TYLER; AND CITY RECORDER COX.

VOTING AGAINST THE MOTION WAS COUNCILMAN RACER. THE MOTION PASSED.

C. PAVING BIDS - City Recorder Cox distributed the bids for opening submitted due June 19, 2006. Councilman Clark read the bid submitted by West Virginia Paving in the amount of \$107,290.78 with a reduction of \$10,000.00 in 3rd Avenue if done with 2.5 asphalt wearing course only bringing it to \$97,290.78. Councilwoman Tyler read the bid submitted by Blacktop Industries in the amount of \$90,100.00. Councilman Savilla read the bid submitted by Paving and Resurfacing Inc. in the amount of \$85,865.00. COUNCILMAN CLARK MOVED THAT COUNCIL ACCEPT THE BID SUBMITTED BY WEST VIRGINIA PAVING IN THE AMOUNT OF \$97,290.78. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. Mayor Casto asked Treasurer Terry if that amount was feasible. She responded that there is some money that could be tapped into. VOTING FOR THE MOTION WERE COUNCILMEN JAVINS, HARRISON, CLARK, COUNCILWOMAN TYLER AND CITY RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WERE COUNCILMEN RACER AND SAVILLA, AND COUNCILWOMAN ESTEP. THE MOTION CARRIED.

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. APPROVAL TO RELEASE PAYMENT FOR BILLS IN THE AMOUNT OF \$133,315.28: COUNCILMAN HARRISON MOVED TO RELEASE \$133,315.28 FOR PAYMENT AS PRESENTED BY CITY TREASURER TIFNEY TERRY. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED UNANIMOUSLY. There was some discussion of selling land to property owners surrounding the landfill.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

City Treasurer Terry presented Council with a handout from Kemron projecting the cost of pursuing Residential Land Use Status for the Smith St. Landfill. COUNCILMAN CLARK MOVED THAT THE CITY ATTEMPT TO SECURE RESIDENTIAL LAND USE STATUS OF THE SMITH ST. LANDFILL. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

Councilman Javins spoke about seeing Nitro Policeman Savilla speaking on television recently and the professional job he did.

Councilman Harrison commended A. J. Hill on the retirement party held for Dennis McNealy in the Public Works Department.

COUNCILMAN SAVILLA MOVED THAT THE JULY COUNCIL MEETINGS BE HELD ON JULY 11, 2006 AND JULY 25, 2006. COUNCILMAN CLARK SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY TO PASS THE MOTION.

Councilwoman Estep asked about funding for the five year audit currently being conducted by the State of WV. Mayor Casto said that the city has no choice but to find funding. Treasurer Terry said that the audit should last approximately three to three and one half months. She indicated that it could answer questions concerning the city finances.

Councilman Clark expressed thanks to the Paving Committee. He also indicated that he had no personal interest in hiring WV Paving. He said he felt that you get what you pay for in business dealings. He welcomed Albert and Thelma Walls back to council.

Councilwoman Tyler commented on the recent meeting held with the Army Corps of Engineers concerning Nitro Park. She also thanked the Paving Committee and welcomed back the Walls family.

City Recorder Cox welcomed the Walls family back to Council meetings.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE - That item was conducted during Question and Answers.

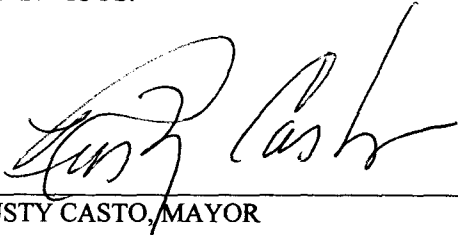
AGENDA ITEM NO. 9 - PUBLIC FORUM:

Bob Schamber commended the city on the football practice field.

Harvey Collins asked the city for help in cleaning the Nitro-St. Albans Bridge and in repairing the walkway next to his home in Sattes Circle. Councilman Savilla recommended Mayor Casto contact the State of WV concerning cleaning the bridge.

Keith Stathers asked City Attorney Giatras for an update on pending lawsuits. Mr. Giatras said that the files were available on line at the Courthouse for certain cases and otherwise were not his to make public.

AGENDA ITEM NO. 10 - ADJOURNMENT: COUNCILMAN HARRISON MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

ORDINANCE NO.: 08-02

Introduced in Council

June 6, 2006

Introduced by:

Councilman Jim Harrean

Adopted by Council:

June 27, 2006

Referred to:

Planning Commission

An Ordinance to amend, append and modify the Animal and Fowl Ordinance, Article 505 of the Ordinances of the City of Nitro, West Virginia.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA**

505.005:

"Cat" means and includes all members of the feline family, of either sex, unless otherwise specified hereinafter.

505.29 LICENSE REQUIRED.

Every person owning, maintaining or harboring a dog in the City shall comply with all requirements for acquiring a dog license from the appropriate county, whether it be Kanawha or Putnam County.

(4) 505.14 DOGS RUNNING AT LARGE ROAMING AT LARGE.

505.14 (a) The owner of a dog or person harboring or keeping a dog shall not allow such dog to roam at large in the city. The owner of a dog or person harboring or keeping a dog shall confine such dog at the owner's premises or the premises of such person harboring or keeping such dog. No person shall take any dog onto the street, sidewalks or public places of the City unless the dog shall be upon a leash or under effective control.

505.14 (b) CATS ROAMING AT LARGE.

No owner or keeper of any cat shall permit it to roam at large within the City at any time, except on the property owned or occupied by the owner of such cat. Any cat found roaming at large in violation of this section shall be seized by the animal warden and forthwith impounded.

505.30 INTERFERENCE WITH ENFORCEMENT.

(a) No person shall hinder, molest or interfere with any person authorized or empowered to perform any duty under this article, nor shall any person attach a license tag to any dog to which it was not issued, or remove a license tag from the collar of any dog without the consent of its owner.

(b) Except for persons duty authorized herein, no person shall entice any properly licensed dog into any enclosure for the purpose of taking off its collar or tag, or, for such purpose, decoy or entice any dog out of the enclosure or house of its owner or possessor, or seize or molest any dog which is held by any person, or bring any dog into the City for the purpose of impounding and killing the same.

(6) 505.27 KEEPING VICIOUS DOG

~~No person shall own, keep or harbor any dog know by him to be vicious, dangerous or in the habit of biting or attacking persons, whether o not such dog wears a tag or muzzle, and upon satisfactory proof that such dog is vicious, dangerous or in the habit of biting or attacking persons, the Animal Warden or any police officer may cause such dot to be impounded and disposed of in manner provided in the article.~~

(a) Definitions.

(1) A "vicious" dog as the term is used in this section means:

A. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

B. Any dog which attacks a human being or a domestic animal on two or more occasions without provocation; or

C. Any pit bull terrier which is defined as any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified Veterinarian duly licensed as such by the State.

(2) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (b) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet.

(b) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(c) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the City Manager.

505.31 EXCREMENT

Neither the owner of a dog or any person having charge of a dog, whether such dog is on a leash or not, shall allow such a dog in their charge to deposit animal excrement or other animal wastes upon any public or private property or otherwise damage any public or private property.

505.99 PENALTY.

(e) (1) Whoever violates the provisions of Section 505.27 shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when in the Court's Judgment, such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating Section 505.27 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding the veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(2) Whoever violates provisions of Section 505.27 on a second occasion with the same dog shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both, and shall be required to post bond with the City in the amount of one thousand dollars (\$1,000) in consideration for being permitted to keep the dog, so long as the dog is kept in conformance with the provisions of this article

Brian C. H. Recorder

City of Nitro
July 11, 2006
CITY COUNCIL MINUTES

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Councilmen Bill Javins, Tim Harrison, Bill Racer, A. A. "Joe" Savilla, Bill Clark, Councilwomen Brenda Tyler, Gertie Estep, Recorder Rita Cox, City Treasurer Tifney Terry, and acting city attorney John Little.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto opened the meeting by commending Albert and Thelma Walls for putting American flags around Nitro for the 4th of July. He also informed Harvey Collins that the sidewalk near his home would be paved when the city streets are done. He told Council about the accident that happened recently to Public Works employee Leroy Graley, who was run over by a garbage truck. His condition is critical and he faces a long recovery. Councilwoman Brenda Tyler asked that Leroy Graley and the Mother of Nitro Sanitary Board Head Danny Lewis be remembered with a moment of silence. The invocation was given by Councilman A.A. "Joe" Savilla. The Pledge of Allegiance was led by Nitro VFW member Delmer Bird.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILMAN TIM HARRISON MOVED THAT THE MINUTES OF THE JUNE 27, 2006 COUNCIL MEETING BE APPROVED. THE MOTION WAS SECONDED BY COUNCILWOMAN BRENDA TYLER. IT PASSED WITH UNANIMOUS APPROVAL.

AGENDA ITEM NO. 4 - REPORTS:

A. MS4/STORM WATER MANAGEMENT COMMITTEE: Councilman Harrison reported that Hurricane City Council was prepared to meet with Nitro Council regarding implementing the MS4 requirements. He also said that Dunbar Mayor Wolfe is interested in attending the informational meetings. City Recorder Rita Cox volunteered to attend the meetings in place of Danny Lewis during his Mother's illness.

B. PAVING COMMITTEE - Councilman Bill Javins reported that the paving would begin in approximately two week. WV Paving has agreed to do the work at the original bid of \$88,259.00. The streets to be paved are Southern Drive (18th St. Hill), Michigan Avenue and 3rd Ave. (21st St. to 4th St.)

C. RECREATION COMMITTEE - Councilwoman Brenda Tyler introduced Delmer Bird and Mary Byrd of the Nitro VFW. She said that they were in the process of trying to install 13 flag poles along First Ave. in the business district. The flags are to represent the 13 original colonies. Mr. Bird said the goal was to have good quality lighted poles that will last a long time. Mary Byrd said Lowes had donated 13 flags. Councilwoman Tyler said that donations would be accepted.

Councilman Savilla asked how much each pole will cost and Mr. Bird said approximately \$883.00 each. Councilwoman Tyler thanked them for their work. Councilwoman Tyler requested that the Recreation Committee meet on Tuesday, July 18, 2006 at 7:00 pm in Council Chambers. Some of the items to be addressed are a late summer fund raiser event and discussion on the Army Corps of Engineers' visit concerning the Nitro Park. Councilman Racer asked if the Army Corps of Engineers has a plan for the riverfront and Councilwoman Tyler responded that they did indicate it was the best area on the Kanawha River between Marmet and Winfield Locks. Councilman Harrison requested Recorder Cox make copies of an article that appeared recently concerning a similar park. Councilwoman Tyler stated that the Nitro Park area was making such good progress and she wants it to continue in that direction.

AGENDA ITEM NO. 5 - OLD BUSINESS:

YARD SALE ORDINANCE: Councilman Clark asked council members to submit any suggestions for additions and changes to the draft of the ordinance. He said Attorney Troy Giatras has received suggestions from Recorder Cox. Councilman Javins asked if these were to be suggestions only and Councilman Clark said that was true. Councilman Racer said sometimes we can go too far to correct a problem.

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. Treasurer Terry presented Council with bills in the amount of \$122,810.56. Councilwoman Estep said she would like a copy of the bank statement and Treasurer Terry said she would supply that. **COUNCILMAN HARRISON MOVED THAT \$122,810.56 BE RELEASED FOR THE PAYMENT OF BILLS FOR THE CITY. THE MOTION WAS SECONDED BY COUNCILMAN CLARK AND PASSED UNANIMOUSLY.**

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

Councilman Harrison thanked Mayor Casto for introducing him to Senator Robert C. Byrd.

Councilman Racer said that Sen. Byrd had spoken at his Nitro High School graduation in 1969.

Councilman Savilla said that he had received a call concerning tree limbs and a dead deer dumped at Ridenour Lake but could find no problems with it.

Councilman Javins said he had received a similar call but could not see any problems. He commented on how beautiful the lake looked as did Councilman Savilla.

Councilwoman Estep said she would be watching her grandson play baseball this upcoming weekend in Buckhannon.

Councilman Clark commended Public Works and the good condition of the City of Nitro.

Councilwoman Tyler announced that Nitro would be hosting Little League 13 and 14 year old boy and girls tournaments and that we should all welcome visitors. She also updated Council on Charlton Jordan who spent the past

weekend with the Gaither Family and will be making a recording soon. He also recently sang for Sen. Byrd.

Councilwoman Tyler requested Council go into Executive Session to discuss THF Realty. COUNCILMAN HARRISON MOVED THAT COUNCIL RETIRE TO EXECUTIVE SESSION TO DISCUSS THF REALTY WITH THE MOTION SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.

Council Chambers were cleared for Executive Session.

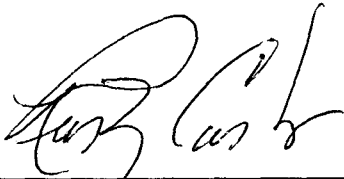
Following Executive Session, Council was called back to order.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATES;

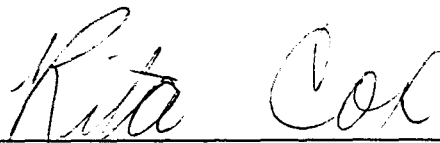
The next regularly scheduled meetings will be Tuesday, July 25, 2006 and Tuesday, August 1, 2006.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Mayor Casto announced that his brother Bill Casto was scheduled for surgery on Thursday and that tests will be run on him and his brother concerning a kidney transplant.

AGENDA ITEM NO. 10- ADJOURNMENT: COUNCILMAN SAVILLA MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

CITY OF NITRO
JULY 25, 2006
COUNCIL MINUTES

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Mayor Rusty Casto, Recorder Rita Cox, City Attorney Troy Giatras, Councilwomen Gertie Estep and Brenda Tyler, Councilmen Bill Javins, Bill Clark, Bill Racer, Tim Harrison and A.A. "Joe" Savilla. Absent was City Treasurer Tifney Terry.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: The invocation was given by Councilman Tim Harrison and the Pledge of Allegiance was led by Councilman Bill Javins.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: The minutes of July 11, 2006 regular session of Council were presented for approval. Councilwoman Brenda Tyler made one correction to the minutes concerning Mary Byrd of the Nitro VFW. Councilwoman Tyler said the minutes should state that the donation by Lowes was to be 13 flags. COUNCILMAN SAVILLA MOVED THAT THE MINUTES BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH: Mayor Casto recognized Nitro High Football Coach Scott Tinsley as July Citizen of the Month. Councilwoman Brenda Tyler presented Coach Tinsley with a plaque recognizing his work in helping prepare a practice field and all he does for the team. Councilman Bill Clark presented him with dinner at a local restaurant. Coach Tinsley thanked the City of Nitro for the honor and for the use of the land at the Nitro Park for a practice field. He said he thought this would be an asset for the city.

B. BROWNFIELDS: Councilman Harrison said the city had missed out on the Brownfield applications last year and wants to form a subcommittee for exploration. He asked members of Council to submit the name at the next council meeting of a business person in Nitro who could set on a subcommittee.

C. RECREATION: Councilwoman Tyler reported that the Recreation Committee had met recently and set August 26, 2006 as a city wide Back To School Bash. Due to some problems this event was not going to come about. She said that the focus would be put on the Halloween Party hosted by the city. The riverfront park had been discussed at the meeting also. She referred to articles from a local publication concerning a similar park at Pt. Pleasant and said one of the goals would be to have it be large enough to host riverboats for tourism. The area could be tied in with the dog tracks, antique stores, and over night tourism. She stressed the need for the City of Nitro to work with the Army Corps of Engineers on this project.

D. LEGAL ISSUES: City Attorney Troy Giatras presented Council members with a draft of the yard sale ordinance containing changes suggested by Council members. Councilman Harrison asked if it contained penalties for non-compliance and Attorney Giatras pointed out that was contained in section 719.19. Councilman Clark said he thought four per year was a good number and asked if that would be a calendar year or fiscal year. Mr. Giatras said that could be a decision for the city to make. Councilman Savilla said it could be within twelve contiguous months. Councilman Racer said there was no sense in punishing everyone in Nitro because of a few continuous yard sales. Councilman Clark said that parking and signs were problems with yard sales and four yard sales a year should be sufficient. He stated that the flea markets could be used. Councilman Racer said he had a problem going to City Hall during working hours to get a permit. Councilman Clark said it should be appropriate to call in for a permit. Councilwoman Tyler said she felt four per year is sufficient. She said there is no parking on Rt. 25. Councilman Clark told of a parking problem on Rt. 25 at a yard sale. Councilwoman Estep said she thought the city should not tell people not to have yard sales. She knew of a person who had yard sales for her church. She said she had talked to many people in Nitro who felt the city should not tell them not to have yard sales. She said she would not vote in favor of this issue. Councilwoman Tyler said that we are

obligated to people who do not want to have them as well as people who do. Councilman Harrison said that we were obligated to businesses in Nitro that have business licenses and pay taxes. Councilman Clark said we were not stopping yard sales, we are just trying to regulate them. Councilman Savilla pointed out there is a section of the ordinance that addresses exemptions allowing charitable organizations to have yard sales. He said he would like the permit to be \$5.00 dollars rather than \$2.00. COUNCILMAN SAVILLA MOVED THE YARD SALE ORDINANCE BE PASSED ON THE FIRST READING BY TITLE ONLY: AN ORDINANCE TO LIMIT PERSONAL PROPERTY SALES. COUNCILWOMAN TYLER SECONDED THE MOTION. Councilman Harrison asked for clarification about a charitable organization and where it would be allowed to have the yard sale. Mr. Giatras said that it could be modified to hold charitable yard sales in private yards. VOTING FOR THE ORDINANCE WERE COUNCILMEN JAVINS, HARRISON, SAVILLA, CLARK, COUNCILWOMAN TYLER AND CITY RECORDER COX. VOTING IN OPPOSITION TO THE ORDINANCE WERE COUNCILMAN RACER AND COUNCILWOMAN ESTEP. Councilman Racer proposed a committee be formed to address the issue. Councilwoman Tyler recommended the committee be composed of Councilmen Racer, Harrison and Clark and City Recorder Cox. Councilwoman Estep indicated she would like to be on the committee also. Mayor Casto directed Councilman Racer to call a meeting of the committee prior to the August 15, 2006 Council meeting.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. YARD SALE ORDINANCE (Council dealt with this under Legal Issues.)

B. SALVATION ARMY: COUNCILMAN SAVILLA MOVED THAT THE SALVATION ARMY BE PERMITTED TO HAVE KETTLES IN NITRO DURING CHRISTMAS. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED WITH FULL APPROVAL.

AGENDA ITEM NO. 6 - NEW BUSINESS: COUNCILMAN CLARK MOVED TO RELEASE PAYMENT OF BILLS IN THE AMOUNT OF \$166,712.59. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. Councilwoman Estep said she had some questions concerning the bills. She addressed the PEIA bill in the April and June items but not May. Mayor Casto addressed the issue as possibly a time frame of when the checks were written. Councilwoman Estep said she had several questions but she would talk with Treasurer Terry. THE MOTION PASSED WITH COUNCILMEN JAVINS, HARRISON, RACER, SAVILLA, CLARK, COUNCILWOMAN TYLER, AND RECORDER COX VOTING FOR THE MOTION. COUNCILWOMAN ESTEP WAS OPPOSED TO THE MOTION.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

Councilman Javins commented on how successful the Christmas in July dinner was the past weekend to raise funds for Christmas baskets and gifts. He stated that WV Paving was to begin work in Nitro the following week.

Councilman Harrison said a meeting had been established for MS4 information with Hurricane City Manager Newhouse. It will be at Hurricane City Building at 7:00 pm on August 8, 2006. He also said he would like for MS4 to be on the agenda soon. He said he would notify Danny Lewis of the Nitro Sanitary Board and Public Works Dept. head A. J. Hill. He spoke highly of the Christmas in July dinner.

Councilman Racer set Wednesday, August 2, 2006 at 7:00 pm for the Yard Sale Committee meeting. The meeting will be in Council Chambers.

Councilman Savilla said he had heard the Christmas in July dinner had been successful. He had sponsored a table but was unable to attend.

Councilwoman Estep said she would like to talk with Treasurer Terry concerning some items.

Councilman Clark said he had sponsored a table at Christmas in July but was unable to attend. He had heard it was very successful.

Councilwoman Tyler said other events would be staged to raise money for Christmas baskets. An Italian Dinner is being planned and will surely enlist Councilman Savilla's help. She said that the Christmas baskets were more than food: it involves clothing and gifts. She said it was a good way to give back to the community. She also remarked on a recent article in USA Today concerning Councilman Clark and quoting Mayor Casto on the Yard Sale Ordinance. She said that it shows other cities are dealing with the same issue.

City Recorder Cox reminded Council that there is currently an audit being conducted in Nitro City Hall.

Councilman Savilla set Wednesday, August 9, 2006 at 7:30 pm for a meeting of the Annexation Committee in Council Chambers.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

Mayor Casto announced that the next regularly scheduled meeting dates of Council were Tuesday, August 1, 2006 and Tuesday, August 15, 2006. The meetings will be at 7:30 pm in Council Chambers.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

Nitro citizen Jack Legg spoke about the inability of the city to enforce existing laws and penalizing people who want to have yard sales. He addressed the blue tarps that people use to cover the yard sale items. Captain Javins said that the Police Dept. attempted to enforce laws about parking.

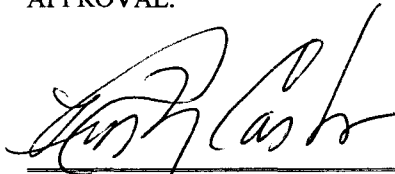
Capt. Ronnie King asked about the Fire Committee and what people were on it. Councilman Savilla is to head it up. Councilman Clark volunteered to be on that committee. He commented on the fire the past weekend at the dog track and the fact that only two firemen were on duty. Councilwoman Estep asked about mutual aid and volunteers. Fireman Casey Mathes said that mutual aid did not apply to many calls they run. Mayor Casto said the committee would be addressed at the next Council Meeting.

Councilman Harrison asked when Nitro City Employee Robin Smith would be attending grant writing school. He said that grants may be a way to fund more Fire Dept. employees.

Councilwoman Estep questioned sending employees out of state to grant writing school when there is training at WV State University. Councilman Harrison said that the training out of state was different from WV State University.

AGENDA ITEM NO. 10 - ADJOURNMENT:

COUNCILMAN SAVILLA MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED WITH UNANIMOUS APPROVAL.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

ORDINANCE NO.: 06-03

Introduced in Council

July 25, 2006

Introduced by:

Bill Clark

Adopted by Council:

August 15, 2006

Referred to:

Planning Commission

AN ORDINANCE TO LIMIT PERSONAL PROPERTY SALES

BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NITRO, WEST VIRGINIA

719.01 INTENT AND PURPOSE

- (a) The intrusion of non-regulated garage sales is causing annoyance to residents in residential areas in the City and congestion of the streets in residential areas in the City.
- (b) The provisions contained in this article are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.
- (c) The provisions of this article do not seek control of sales by individuals selling a few of their household or personal items.
- (d) The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate yard sales for the safety and welfare of the City's residents.

719.02 DEFINITIONS

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

719.03 BUSINESS AND TAXATION CODE

- (a) "Sale" means all general sale, open to the public, conducted from or on a residential premise in any residential zone, as defined by the Zoning Ordinance, for the purposes of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "attic", "porch", "room", "back yard", "patio", "flea market" or "rummage", "yard", "estate" sale or any similar phrase. This definition shall not

include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

(b) "Personal property" means property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

719.03 PROPERTY PERMITTED TO BE SOLD

No person shall sell or offer for sale, under authority granted by this article, property other than personal property subject to this Ordinance.

719.04 PERMIT REQUIRED

No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the City Clerk's office. Members of more than one residence may join in obtaining a permit for a sale to be conducted at the residence of one of them.

719.05 WRITTEN STATEMENT REQUIRED

Prior to issuance of any yard sale permit, the individuals conducting such sale shall file a written application to be provided by the City Clerk with the City Clerk, at least five days in advance of the proposed sale, mailed applications must be postmarked at least seven days in advance of the sale, which application shall set forth the following information:

- (a) The full name and address of applicant.
- (b) The location at which the proposed sale is to be held.
- (c) The date, or dates upon which the sale shall be held.
- (d) The date, or dates of any other yard sales within the current calendar year.
- (e) An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purpose of resale.

719.06 PERMIT FEE

There shall be an administrative processing fee of two dollars (\$2.00) for the issuance of such permit. No other City tax, including the City Business and Occupation Tax, shall be levied on sales conducted in accordance with this article.

719.07 PERMIT CONDITIONS

The permit shall set forth and restrict the time and location of such sale. No more than four such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in

requesting a permit then such permit shall be considered as having been issued for each and all of such residences. If any applicant owes the City any fees, as defined in the Municipal Code, the permit will be denied until the fee has been paid.

719.08 HOURS OF OPERATION

Each permit shall be valid for only one calendar day. The sale can not begin prior to sunrise, and must conclude by sunset the same day.

719.09 ADDITIONAL SALES PERMITTED

(a) Inclement Weather. If a yard sale is not held on the date for which the permit is issued or is terminated during the first 3 hours of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the City Clerk may issue another permit to the applicant for a sale to be conducted at the same location within thirty days from the date when the first sale was to be held. No additional permit fee is required. This provision can be invoked only once per application.

719.10 PRE-PERMIT INVESTIGATION

Before issuing a permit, the City may conduct an investigation as may reasonably be necessary to determine if there is compliance with this article.

719.11 DISPLAY OF SALE PROPERTY

Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side, or rear yard, but only in such areas. However, a vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yards.

719.12 ADVERTISING SIGNS

(a) Signs Permitted. Only the following specified signs may be displayed in relation to a permitted yard sale:

(1) Two Signs Permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(2) Directional Signs. Two signs of not more than two square feet each are permitted provided that the premises upon which the sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners upon whose property such signs are to be placed.

- (b) Time Limitations. No sign or other form of advertisement, except newspaper or other established media shall be exhibited for more than two days prior to the day such sale is to commence.
- (c) Removal of Signs. Signs shall be removed each day at the close of the garage sale activities or by the end of daylight, whichever first occurs.
- (d) Placement of Signs. No signs shall be placed on or attached to any utility poles, public right of way, public property, street signs or traffic control sign.

719.13 PUBLIC NUISANCE

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on such premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Departments of the City, in order to maintain the public health, safety and welfare.

719.14 INSPECTION, ARREST AUTHORITY OF CITY POLICE OR OTHER INSPECTOR

A police officer or any other official designated by any City ordinance to make inspections under the licensing or regulating ordinances or to enforce the same shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection and may close the premises from such a sale or issue a citation to any individual who violates the provisions of this article.

719.15 PARKING

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by the sale.

719.16 REVOCATION AND REFUSAL OF PERMIT

- (a) False Information. Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the City Clerk if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- (b) Conviction Violation. If any individual is convicted of an offense under this article, the City Clerk is instructed to cancel any existing yard sale permit held by the individual convicted and not to issue such individual another sale permit for a period of two years from the time of conviction.

719.17 EXEMPTIONS

The provisions of this article shall not apply to or affect the following:

- (a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the City or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
- (d) any bona fide charitable, eleemosynary, education, cultural or government institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

719.18 SEPARATE VIOLATIONS

Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense.

719.19 PENALTY

Whoever violates any provision of this article shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) for each offense. A minimum fine of \$75.00 shall be issued for a violation of Section 719.12 of this Ordinance.

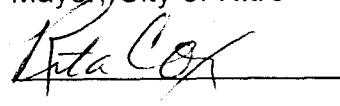
Passed on first reading July 25, 2006

Passed on second reading:

Aug. 15, 2006 

Mayor, City of Nitro

Passed on second reading:

Aug. 15, 2006 

Recorder, City of Nitro

NITRO CITY COUNCIL
MINUTES
TUESDAY, AUGUST 1, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Rusty Casto called Council to order to at 7:30 pm. Present were Councilwomen Brenda Tyler and Gertie Estep, Councilmen Bill Javins, Bill Racer, Tim Harrison, A. A. "Joe" Savilla and Bill Clark, City Recorder Rita Cox, City Treasurer Tifney Terry, acting City Attorney John Little and Mayor Casto.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto asked that Mrs. VanFossen of the Nitro Church of God be remembered in the invocation. The invocation was led by Councilman Savilla and the Pledge of Allegiance was led by Councilman Racer.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN ESTEP MOVED THAT COUNCIL ACCEPT THE MINUTES OF THE JULY 25, 2006 MEETING. THE MOTION WAS ACCEPTED BY COUNCILMAN RACER. THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZENS OF THE MONTH - Mr. and Mrs. Gorman Wise are to be honored as August Citizens of the Month. They will be celebrating their 75th Wedding Anniversary. They will attend a future meeting.

B. LEGAL ISSUES - Attorney John Little stated there were no legal issues to discuss.

C. FINANCIAL REPORT - City Treasurer Tifney Terry addressed Councilwoman Estep's questions from the previous Council Meeting of July 25, 2006. Councilwoman Estep stated she would like a list of the outstanding open items. Treasurer Terry said she had been given information on what has been paid. Councilwoman Estep said she would like the check numbers of items that are to be paid. Treasurer Terry said there were problems with a lost bill from PEIA and the city had to request a new copy of the bill. Councilwoman Estep said she did not receive all the information that the rest of Council received. Treasurer Terry disputed that assertion. Councilwoman Tyler suggested Councilwoman Estep sign off on information she receives.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. YARD SALE ORDINANCE: Councilman Clark distributed a copy of St. Albans Permit Application for Yard Sale. He suggested that the meeting for Yard Sale Ordinance be dismissed. Councilman Racer said he would like to continue with the meeting on Wednesday, August 2, 2006 at 7:00 pm

AGENDA ITEM NO. 6 - NEW BUSINESS;

A. FIRE COMMITTEE - FORMATION OF COMMITTEE - COUNCILMAN SAVILLA MOVED THE FIRE COMMITTEE BE COMPOSED OF CHIEF ERNIE HEDRICK, CAPTAIN RONNIE KING, JOHN COX, JOHN MONTGOMERY, COUNCILMEN BILL CLARK, BILL RACER AND A. A. "JOE" SAVILLA. THE MOTION WAS SECONDED BY COUNCILWOMAN TYLER. COUNCIL VOTED UNANIMOUSLY TO PASS THE MOTION.

B. BROWNFIELDS - FORMATION OF COMMITTEE: Councilman Harrison stated he was waiting for recommendations from Council Members for Nitro citizens and business people to recommend for the Brownfields Committee.

AGENDA ITEM NO. 6 - QUESTIONS AND ANSWERS:

Councilman Javins said that WV Paving was to begin on Thursday morning paving on Michigan Ave.

Councilman Harrison said people heading up committees need to notify the Nitro Police Dept. of upcoming meetings. He also told of an incident on Saturday night where money was taken from a fundraiser in the Kathy Mattea Auditorium. Councilman Harrison asked if barricades could be put on

Dupont St. and Elm to mark the road until it can be fixed.

Councilman Clark thanked Councilma Savilla for appointing him to the Fire Committee. He also expressed appreciation for the volunteers who worked on the Nitro High School football field.

Councilwoman Tyler announced there was a fund established at the Nitro branch of Huntington Banks in the name of Nitro City employee Leroy Graley who was recently injured. Mayor Casto said his condition was improving but he still had a long recovery.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

Council will meet on Tuesday, August 15, 2006 and on Tuesday, September 5, 2006. The meetings will be held in Council Chambers and will begin at 7:30 pm.

The Yard Sale Committee will meet at 7:00 pm, Wednesday, August 2, 2006 in Council Chambers.

The Fire Committee will meet at 6:30 pm on Wednesday, August 9, 2006 and the Annexation Committee will meet at 7:30 pm. Both meetings will be held in Council Chambers.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

Nitro VFW member Delmer Bird said \$1800.00 had been raised toward the American Flag project. He said that the VFW will borrow money from Huntington Banks to fund the flags. A fund will be set up at Huntington Banks under Veterans' Flag Fund where donations will be accepted. He said they will borrow \$6000.00. Councilwoman Tyler suggested each Council Member and City Treasurer donate \$100.00 each toward the flags. She also talked about a proposed project at Ridenour Lake during Christmas time with luminaries to honor our loved ones. They could be sold for approximately \$5.00 each and could have a special ceremony. There will be more information on this later.

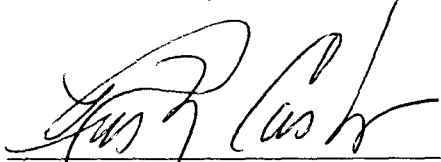
Jack Legg spoke out in favor of yard sales and not limiting the public's ability to have them.

Harvey Collins spoke in behalf of the Nitro Fire Department. He said they need to be fully funded before someone was injured.

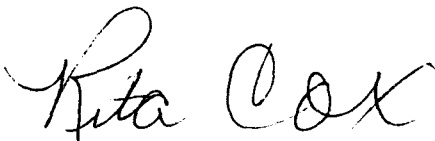
Mayor Casto invited everyone to Ridenour Lake on Tuesday, August 8 at 6:00 pm for a Birthday Cookout. He suggested they bring a covered dish.

Councilman Harrison announced the MS4 meeting will be held at Hurricane on August 8, 2006 at 7:00 pm.

AGENDA ITEM NO. 10 - ADJOURNMNT: COUNCILMAN CLARK MOVED FOR ADJOURNMENT, SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

NITRO CITY COUNCIL
MINUTES
TUESDAY, AUGUST 15, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Rusty Casto called the meeting to order at 7:30 pm in Council Chambers. Present were Councilmen Bill Clark, Tim Harrison, Bill Javins, A.A. "Joe" Savilla, Bill Racer, Councilwomen Brenda Tyler and Gertie Estep, Recorder Rita Cox, City Treasurer Tifney Terry, and City Attorney Troy Giatras. Mayor Casto gave Delmer Byrd a moment to update Council on the flag project by the VFW. Mr. Byrd said that the goal was to have the flags in place for the Sept. 16, 2006 weekend and progress was being made.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: The invocation was given by Councilwoman Gertie Estep and the Pledge of Allegiance was led by Councilwoman Brenda Tyler.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN BRENDA TYLER MOVED THE MINUTES FROM AUGUST 1, 2006 REGULAR SESSION OF COUNCIL BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN HARRISON. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZENS OF THE MONTH - Councilman A.A. "Joe" Savilla announced that Mr. and Mrs. Gorman Wise are honored as August Citizens of the Month. They have been married 75 years and will be presented with a plaque at the Italian Dinner on September 23, 2006.

B. RECREATION REPORT: COUNCILWOMAN TYLER MADE THE MOTION THAT THE CITY OF NITRO PROVIDE THE INSURANCE COVERAGE FOR THE NITRO YOUTH BASKETBALL LEAGUE. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

Councilwoman Tyler reported to Council a proposed agreement with Walker Brother's Circus to perform August 28, 2006 in the parking lot at the Nitro City Park. The city will get 10% of all proceeds. COUNCILWOMAN TYLER MOVED THAT THE CITY ALLOW WALKER BROTHTERS CIRCUS PERFORM AUGUST 28, 2006 IN THE CITY PARK PARKING LOT SHARING 10% OF THE PROCEEDS WITH THE CITY OF NITRO. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.

C. FINANCIAL REPORT : City Treasurer Tifney Terry told Council members if there were any question concerning the 2006 fiscal year information she recently gave them she would answer them either at Council or in her office. She informed Council that Michigan Avenue need a short amount paved and it will cost \$5800.00 Councilman Javins said that would be considered at a meeting of he Paving Committee after Council meeting. She also reported that City Recorder Rita Cox had been dealing with insurance adjusters and the city was due to get a check for \$21,790.85 which will be reimbursed to the Kanawha County Commission. Councilwoman Estep said she would like a line item report of the city finances. Treasurer Terry said she would do that. Mayor asked what the amount of \$5800.00 would cover in paving that portion of Michigan Avenue. Treasurer Terry said that would be the width of the road only for paving.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. YARD SALE ORDINANCE: Councilman Clark asked if Council was ready for the second reading on the ordinance. Councilman Racer reported the recommendations from the Yard Sale Committee Meeting held recently. One recommendation was to have a permitting process without charging, 48 hours, 4 per year, no Sundays. Councilman Clark said he thought daylight to dark was reasonable and a sign supplied for a small charge. Recorder Cox said as a gesture

to the citizens since the Municipal Service fee was recently raised to \$25.00 to omit a fee. Councilman Clark said he would go along with Council's recommendation even though he felt a fee was reasonable. Treasurer Terry said she felt that the fee was not necessary and Council could reconsider that at a later date. Councilman Tyler said 36 hours was a reasonable amount of time. COUNCILMAN CLARK MOVED THAT COUNCIL ON SECOND READING PASS THE YARD SALE ORDINANCE WITH THE MODIFICATION OF A PERMIT ISSUED WITH NO CHARGE, 36 HOUR LIMIT, FOUR PER YEAR, AND NO SALES ON SUNDAY. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. VOTING FOR THE ORDINANCE WERE COUNCILMEN JAVINS, HARRISON, RACER, SAVILLA, CLARK, COUNCILWOMAN TYLER AND CITY RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WAS COUNCILWOMAN ESTEP. THE MOTION PASSED.

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. APPOINTMENT TO SANITARY BOARD - COUNCILMAN A.A. "JOE" SAVILLA MADE A MOTION THAT HARRY MILLER BE APPOINTED TO THE SANITARY BOARD. THE MOTION WAS SECONDED BY COUNCILMAN BILL CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION. Harry Miller was introduced. He is a life-long resident of Nitro and an on-call volunteer fireman. Mayor Casto reminded Council that the Sanitary Board meets at 3:00 pm on the 4th Tuesday of every month in Council Chambers. The public is invited.

B. APPOINTMENT TO NITRO DEVELOPMENT AUTHORITY: Brenda Tyler announced that she is resigning from the Board of the Nitro Development Authority. COUNCILWOMAN TYLER MOVED THAT COUNCILMAN TIM HARRISON BE APPOINTED AS THE COUNCIL REPRESENTATIVE ON THE NITRO DEVELOPMENT BOARD. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. Councilwoman Estep stated she would like to serve on the Board. Councilwoman Tyler stated that only one Council member can be on the Board at one time. Councilman Racer nominated Councilwoman Estep to the Board. The Mayor called for a vote on Councilman Harrison's nomination. VOTING FOR THE MOTION WERE COUNCILMEN JAVINS, HARRISON, SAVILLA, AND CLARK, COUNCILWOMAN TYLER AND RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WAS COUNCILMAN RACER AND COUNCILWOMAN ESTEP. THE MOTION PASSED. Mayor Casto stated he wanted to go on record as voting for Councilman Harrison.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

Councilman Javins said feedback from the paving recently done had been positive. There were some rings that were unavailable and will be fabricated by Public Works for 3rd Ave.

Mayor Casto asked Harvey Collins if the sidewalk next to his property had been paved and he answered in the affirmative.

Councilman Harrison said that August 26, 2006 there was a Walk to Defeat ALS and urged all who could to participate. He said he would keep Council informed concerning Brownfields. There is to be a CSO meeting August 29.

Councilman Racer thanked those who helped with the Yard Sale Committee.

Councilman Savilla said that the city needs to deal with the slip on 31st St. East. He said that the Fire Committee meeting was successful the night before and announced that John Montgomery was 2nd Chair for the committee. He said Ronnie King and Jeff Elkins had presented the committee with good information and there was a good turnout. He said the Annexation Committee was also successful. The two committees will meet Monday, August 28, 2006 at 6:30.

Councilwoman Estep commended Ronnie King on his presentation to the Fire Committee and felt she had learned a lot.

Councilman Clark thanked Councilman Racer for the work he did with the Yard Sale Committee.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

The next regularly scheduled meeting dates of Council are Tuesday, Sept. 5, 2006 and Tuesday Sept. 19, 2006. Both meetings will be held in Council Chambers at 7:30 pm.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

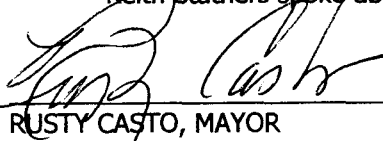
Bob Schamber announced that his Mother had passed away recently at his home and thanked the Nitro Police Dept. for there professional and respectful response.

Harvey Collins said that the Fire Dept. needs more men.

Casey Mathes thanked all those who have been helping with the football practice field and said the irrigation system would be installed on Thursday.

Karen Fritz asked when some debris was to be removed at Ridenour Lake.

Keith Stathers spoke about the yard sale situation.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

Nitro Youth Basketball
Nitro, WV 25143

TO: Mayor of Nitro and Nitro City Council Members

FROM: Nitro Youth Basketball Board Members

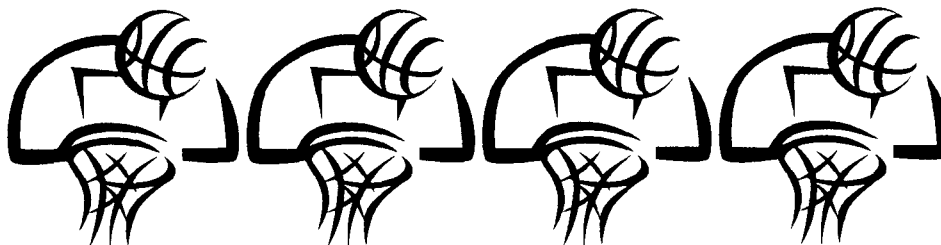
DATE: August 14, 2006

RE: Insurance for Nitro Youth Basketball

The Nitro Youth Basketball would like to request from the Mayor and City Council members for the City of Nitro to provide the insurance coverage needed for the Nitro Youth Basketball League. This league provides organized basketball to children from Kindergarten through High School at the Nitro Community Center and Nitro High School.

The League has been available to the children in Nitro for many years and has enabled Nitro Youth to participate in an instructional league from November until late February with other Kanawha Valley Youth Basketball Leagues.

The Nitro Youth Basketball League would like to express their thanks the Mayor of Nitro and Nitro City Council members on their consideration of this matter.



ANNEXATION COMMITTEE
MEETING
MINUTES
AUGUST 14, 2006

The Annexation Committee Meeting was held Monday, August 14, 2006 in Council Chambers. Present were Chairman A.A. "Joe" Savilla, Rita Cox, Gertie Estep, Tim Harrison, Bill Racer, John Cox, Tifney Terry, John Montgomery, Chad Mathes, Casey Mathes, and Ronnie King.

Joe Savilla called the meeting to order. He stated that a minor boundary adjustment is the current plan for annexation. This would include 1500 ft. along Plant Rd. and would encompass NAPA and Structural Systems. Tim Harrison said he had talked with Eric Simrau of Structural Systems and would continue talking with him. Putnam County and Kanawha County are both involved due to Nitro's unusual boundaries which puts it in both counties. The Pilot Station near the I -64 interchange could become part of the city. Treasurer Tifney Terry pointed out that the city can only do a limited number of feet per year. By doing the allotted amount by December, 2006 and then beginning again in January, 2006 the city could make a substantial addition in a short amount of time. Questions of Business and Occupation tax would need to be addressed and possibly restructured.

According to Joe Savilla, the Civics Benefits Association headed by Randy McDavid needs to be readdressed and an updated list is needed. Randy McDavid has knowledge of over 100 businesses that want to contribute. The Civics Benefits Association was made up of businesses located near Nitro's borders and benefit from the city services but pay no B&O. Joe Savilla said he would meet soon with Clinton Curry and Art King to discuss this further.

Casey Mathes said that if businesses do not want to come in to the city where they would pay for services with B&O there should be some sort of billing system when the city responds to fires, etc. Charleston already does this. Ronnie King said this is part of the problem that keeps businesses from being part of the city. Why pay for services they are getting for free. Joe Savilla asked Ronnie King to find out the formula Kanawha County uses to calculate billing for these services and report back to the committee.

Joe Savilla appointed Tim Harrison second chair for the Annexation Committee in the event of his absence. Tim Harrison said this might be a good time to approach businesses about the Knox Boxes for emergency services.

The next meeting will be held Monday, August 28, 2006 at 7:30 pm or following the Fire Committee Meeting. The meeting will be held in Council Chambers.

A.A. "Joe" Savilla, Chairman



Rita Cox, Recorder

FIRE COMMITTEE
MEETING MINUTES
AUGUST 14, 2006

Fire Committee met Monday, August 14, 2006 in Council Chambers. The meeting was chaired by Councilman A.A. "Joe" Savilla. Those attending were Councilman Bill Racer, Councilman Tim Harrison, Councilwoman Gertie Estep, City Recorder Rita Cox. Treasurer Tifney Terry, John Montgomery, Harvey Collins, John Cox, and representing the Nitro Fire Dept. were Ronnie King, Jeff Elkins, Chad Mathes, and Casey Mathes. Fire Chief Ernie Hedrick was on vacation.

Councilman Savilla called the meeting to order. He said that in the past there had been a standing Fire Committee but it had fallen to the wayside. He asked John Montgomery to chair the meetings when he was unable to attend. He said that if Nitro was to grow the Fire Department had to grow along with it.

Ronnie King presented a notebook that had been compiled for the Committee members to use as a working guide. He directed them to the five minimum needs of the Fire Dept. The first item was personnel. Nitro currently has nine firefighters working. He said there had been efforts to recruit but gear is in short supply and is very expensive. Paid volunteers are not always an option. Nitro is supposed to be rated soon but that has been put off until some of the gear can be replaced.

Ronnie King said that three years are required to train a firefighter in an apprenticeship program. Nitro has been consistently generous with funding for training. A firefighter is on 12 months probation from the date of hire. After 12 months they are covered under civil service. They are required to take 140 hours of training before they can enter a burning building. There has been a problem in Nitro with people taking advantage of all the training and time invested in them and then moving on to other higher paying fire departments. John Cox asked if there could be charges passed on to the trainee if they left within a certain time frame. Ronnie King said that could be addressed. He said being short on personnel opens up a lot of problems in terms of minimum requirements for personnel on duty.

Chad Mathes showed the committee a copy of the training book and workbook for the apprenticeship program. Firefighters are required to take 20 hours per month of training for three years under the National Fire Protection Association (NFPA) apprenticeship program. Ronnie King said that the NFPA requirements mimics those of OSHA. He said that West Virginia has NFPA 1 as Fire Code.

Another need is the Rank Structure in the department. This could be alleviated by a recommendation from the Mayor. Tifney Terry said she would act as a go between with Mayor Casto to facilitate this matter.

The third item are trucks and pumps. They are old and deteriorating. Bill Racer suggested grant money be applied for replacements.

Another need for the department is a second station at Nitro Marketplace. Land had been donated to use for this purpose. Plans were drawn up and block purchased by the Fireman's Association. The block was not satisfactory and much of it has been used for other purposes. If table games come to Tri-state Racetrack and a hotel is built there will be a definite need for a station nearby.

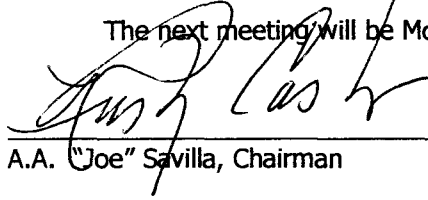
Another priority for the Nitro Fire Dept. is an increase in salary. Charleston will be testing

soon and we may lose some firefighters to them because of higher pay. Nitro is among the lowest 10% in the nation in salary. Tifney Terry noted that Charleston firefighters do spend more out of pocket money for health insurance than Nitro. Charleston firemen work a type of shift where they are on 3 weeks and off one. This means they work 400 hours less per year than Nitro.

Councilman Savilla asked members of the committee to go over the manual compiled by Ronnie King and Jeff Elkins to become familiar with the contents. Ronnie King then talked about points covered in the book. Some fire departments in WV are combination. Nitro is an Engine Co. due to the addition of a ladder truck. This was required for the Nitro Marketplace.

Nitro has an Automatic Aid agreement with St. Albans and this has been asset in staying in compliance with existing regulations. There is currently no agreement with Dunbar but that is a possibility in the future. Nitro is due to have an ISO rating soon (Insurance Services Office) and manpower will be a weakness for Nitro. Training is good but better documentation is needed.

The next meeting will be Monday, August 28, 2006 at 6:30 pm.



A.A. "Joe" Savilla, Chairman



Rita Cox, Recorder

NITRO CITY COUNCIL
MINUTES
SEPTEMBER 5, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: Mayor Rusty Casto called the meeting to order in Council Chambers at 7:30 pm. Present were Mayor Casto, City Recorder Rita Cox, Treasurer Tifney Terry, City Attorney Troy Giatras, Councilwomen Brenda Tyler and Gertie Estep, Councilmen Bill Clark, Bill Racer, Bill Javins, Tim Harrison and A. A. "Joe" Savilla.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: The invocation was given by Dale Boggs and the Pledge of Allegiance was led by Hurshel Boggs.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN TYLER MOVED THAT THE MINUTES OF AUGUST 15, 2006 REGULAR SESSION OF COUNCIL BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. Councilwoman Estep requested that the minutes be amended to include Mayor Rusty Casto's vote for Councilman Harrison's appointment to the Nitro Development Authority. After so directing the change be made, Mayor Casto called for a vote on the motion. THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH: Nitro resident Hurshel Boggs was honored as September, 2006 Citizen of the Month. Mr. Boggs is 90 years old, still rides his motorcycle and is a World War II veteran with an exemplary record. He was accompanied by members of his family and presented with an umbrella by Councilman Clark and a dinner by Councilwoman Tyler at a local restaurant. Councilwoman Tyler also reminded Council members that Mr. Boggs would be a part of the September 16, 2006 World War II ceremony planned for Nitro.

B. RECREATION: Councilwoman Brenda Tyler reported that a Halloween Party would be held on Oct. 31, 2006. COUNCILWOMAN TYLER MOVED THAT SECOND AVENUE BE CLOSED FROM 21ST TO NITRO ELEMENTARY ON 19TH STREET FOR THE EVENING OF OCT. 31, 2006 TO HOST A PARTY FOR THE CHILDREN OF NITRO. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE VOTE WAS UNANIMOUS FOR THE MOTION.

COUNCILWOMAN TYLER MOVED THAT THE RECREATION DEPARTMENT BE ALLOWED TO SPONSOR A HAUNTED LAKE TRAIL AT RIDENOUR LAKE FOR TWO WEEKS PRIOR TO HALLOWEEN. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.

Councilwoman Tyler announced there would be a Recreation Committee meeting immediately following Council tonight.

C. LEGAL ISSUES: City Attorney Troy Giatras reported that work was proceeding on claims from losses at the tire fire of May 4, 2006. Work was also proceeding for the city to retake possession of the War Memorial Tank. He had received documentation that would further prove ownership by the city. He was also working on the 31st Street slide. He stated that the final draft of the Yard Sale Ordinance should have come down today.

D. FINANCIAL REPORT: City Treasurer Tifney Terry referred to the information that Council had been given earlier and asked if there were any questions. Councilwoman Estep stated she wanted to request a copy of the budget comparison. After some discussion it was determined that a budget comparison report could not be done until October. On September 15 and 16 software training will be offered for employees in City Hall. Councilwoman Estep asked about the status of the audit currently being conducted in City Hall. Treasurer Terry said that it was winding down and the auditors may be done as soon as next Friday. The audit is for years 2002, 2003, 2004, and 2005. They should return in six to eight months to do the audit for 2006. Councilwoman Estep asked about \$76,000 on the open item report. Treasurer Terry said that a portion of that is grant money the city received from Congresswoman Shelly Moore Capito. A portion of that was payment from the tire fire and will be reimbursed by insurance claims. The Kanawha County Commission was recently repaid approximately \$21,000.00 that had been

granted to the city immediately after the fire of May 4, 2006. Treasurer Terry informed Councilman Harrison that as Chair of the Cell Phone Committee the contract was coming up for renewal. She suggested that a meeting be called. Nextel was offering new phones along with chargers. She said she had talked with a few other companies and felt Nextel was offering the best plan. Councilman Harrison said he would call a meeting soon. Councilwoman Estep asked if the Verizon payment would be the last. Treasurer Terry stated it was a final bill. Treasurer Terry addressed complaints about dumping at Ridenour Lake. She said that Mr. Stottlemeyer of the Dept. of Environmental Protection had gotten emails concerning this matter. He had looked at photographs of the items dumped and said the city was not in violation. She gave the phone number of the DEP for verification.

E. POLICE/FIRE PENSION REPORT: Treasurer Terry updated council that the city had been running three years behind on paperwork requesting the West Virginia state portion of the pension contributions. Beginning in January 2007 the goal is to do quarterly filing of the necessary paperwork requesting the West Virginia state contributions to the funds. She referred to information contained in the Council packets concerning Police and Fire Pension funds that state that they are currently up to date.

AGENDA ITEM NO. 5 - OLD BUSINESS:

A. PAVING - MICHIGAN AVENUE: Councilman Javins addressed the fact that the area on Michigan Avenue that was not paved was due to the fact that Public Works thought it was private property belonging to Mark Sanders. Approximately one year ago Council had voted to abandon that portion of Michigan Avenue to Mark Sanders. Apparently that was not finalized and that is what has caused the confusion. City Attorney Troy Giatras committed to research, with City Recorder Rita Cox, the status of that property before proceeding with the paving.

AGENDA ITEM NO. 6 -NEW BUSINESS:

A. COUNCILWOMAN ESTEP MOVED THAT THE 2007 CALENDAR BE PUT OUT FOR BIDS. COUNCILMAN SAVILLA SECONDED THE MOTION. THE VOTE WAS UNANIMOUS FOR THE MOTION.

B. APPROVAL TO RELEASE PAYMENT FOR BILLS: COUNCILWOMAN BRENDA TYLER MOVED THAT \$63,211.22 BE RELEASED FOR PAYMENT FOR BILLS, SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

Mayor Rusty Casto announced businessman Don Tate had bought all the tickets for the Sept. 30 homecoming game between the University of Charleston and West Virginia State University. The Mayor presented Council members with tickets to the game and said he had more to give out. The plan was for Nitro citizens to sit together in support of the Culbertson's who attend UC and play football.

Councilman Savilla recognized Nitro Firemen Chad Mathes and Ryan Pennington along with paramedics Anthoney Scott, Jennie Albright, and Rich Meadows who, along with the Nitro Police Dept., responded to his brother, Benny Savilla and were able to save his life. He expressed much gratitude and wanted to honor them and thank them.

Councilwoman Tyler also said emergency services were given to Wayne Fleshman.

Councilwoman Estep said there was a tree behind the pump house at the Nitro Pool that needed to be removed.

Councilwoman Tyler said that the VFW flags are in but it will be about six months before the Dept. of Highways will allow the flags to be installed.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

A. The Fire Committee will meet at 6:30 pm on Monday, Sept. 11, 2006. The meeting will be held in City Hall in the office of the Building Inspector.

B. The Annexation Committee will meet at 7:30 pm on Monday, Sept. 11, 2006. The meeting will be held in City Hall in the office of the Building Inspector.

C. The next regularly scheduled meetings of Council will be Tuesday, Sept. 19, 2006 and

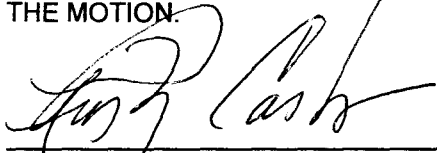
Tuesday, Oct. 3, 2006. Both meetings will be at 7:30 pm and will be held in Council Chambers.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

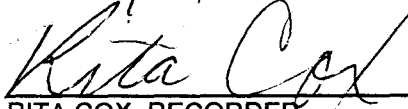
Karen Fritz asked why Ridenour Lake is being used as a dump. Councilman Savilla said that it was only temporary and the DEP had said it was not in violation of any laws. He requested a sign be put up that said that dumping was not allowed.

COUNCILWOMAN TYLER MOVED THAT COUNCIL GO INTO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE VOTE WAS UNANIMOUS FOR THE MOTION.

AGENDA ITEM NO. 10 - ADJOURNMENT: Following the Executive Session Council resumed the meeting. COUNCILMAN HARRISON MOVED FOR ADJOURNMENT. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

FIRE COMMITTEE
MEETING MINUTES
AUGUST 28, 2006

The Fire Committee meeting was held August 28, 2006 in Council Chambers. Those present were Chairman Joe Savilla, Ernie Hedrick, John Cox, Ronnie King, John Montgomery, Chad Mathes, Casey Mathes, and Rita Cox.

Ronnie King distributed a portion of the West Virginia Code that addresses municipalities empowered to contract for fire services beyond corporate limits. There was a discussion concerning the limits on the city in going outside the corporate limits. The Kanawha County Commission had approved the Kanawha County Mutual Aid Agreement in certain areas. The area of Lakeview near Nitro has presented some problems because of the unusual configuration of the City of Nitro which means a portion of the homes are in the city limits and a portion are not. John Montgomery asked is anyone had approached the Homeowners Assoc. about being annexed. Ernie Hedrick said that there was a mix of people who wanted to become part of Nitro and those who did not. The citizens of Lakeview are presenting a problem since some pay for city services and some do not.

There is a fee schedule in place that the city could use to bill for fire services, according to Ronnie King. The City of Nitro gets a limited amount of money from the County Commissions of Kanawha and Putnam County.

Chief Hedrick said that the two biggest needs of the Nitro Fire Department are more personnel and more money. The city is losing firefighters to other cities that pay better salaries. Joe Savilla said the needs of the city are more money, more area to cover and more authority to say no to areas outside the boundaries designated for the Fire Department to cover. Ronnie King said he remembered a time in the early 1990's when City Council set up boundaries for the Fire Dept. Committee Chairman Joe Savilla instructed City Recorder Rita Cox to research the minutes of council for that information.

Joe Savilla said that there is a need for a second fire station near the Nitro Marketplace. A Fire Station and Police Station could be put there housed in the same building. There was recently a potentially bad fire at the Nitro Gaming Center and there are a large number of calls to that area. Casey Mathes said that the Dog Tracks are going to rely on the City of Nitro for EMT services and discontinue that service being offered there permanently on premises.

Nitro Fire Chief Ernie Hedrick said that the ladder truck will be paid off soon and the fire fee paid by THF Realty will need to be readjusted. Joe Savilla asked if the city has enough water haulers. It was determined that the city might be better served to have more fire hydrants installed.

Ernie Hedrick said that the physical agility portion of the test needs to be given for new hires. Joe Savilla asked about the viability of volunteer firemen to drive city equipment. Ronnie King said that at one time the local plants had employees who could be counted on as volunteer firemen but that pool of people had dwindled down. The next meeting is Sept. 11, 2006 at 6:30 pm.

A. A. "Joe" Savilla, Chairman



Rita Cox, Recorder

ANNEXATION COMMITTEE
MEETING MINUTES
AUGUST 28, 2006

The Annexation Committee met following the Fire Committee meeting on Monday, August 28, 2006 in Council Chambers. Attending were Committee Chairman Joe Savilla, Rita Cox, John Cox, John Montgomery, Chad Mathes, Casey Mathes, Ronnie King, Ernie Hedrick, John Montgomery, Bryan Casto, Debra Jordan, and Jack Jordan.

Committee Chair Joe Savilla addressed the issue of Lakeview that had been discussed during the Fire Committee meeting previously. Some homes are in the city limits and some are not. This presents the city with unique problems concerning municipal services. He stated that by making the entire area part of the city would solve some of the problems.

John Montgomery asked if the people of Lakeview knew if they are in or out of the City of Nitro. Rita Cox stated she thought that most people knew the status of their home and its location in the city. She referred to an earlier Resolution by Nitro City Council concerning municipal services. Chairman Joe Savilla asked her to try to find the Resolution and bring it to the next meeting.

Following the discussion, City Building Inspector Bryan Casto presented the group with maps of the City of Nitro and group discussions followed.

A.A. "Joe" Savilla, Chairman



Rita Cox, Recorder

September 15, 2006

TO: MAYOR CASTO & NITRO CITY COUNCIL

I recently saw a cartoon ridiculing the Jordan family for serving their community.

I don't understand the problem with family members working within the city in the Fire Department and the Police Department.

If checked, you would find, fathers, sons, brothers, Uncles, cousins and So on working in these same positions across the country. Don't you remember how many family members lost their lives on 9-11 trying to serve and protect?

I've known this family for years and I know about their kind hearts and generosity to those in need. Jack Jordan is a fine Police Chief and every One of his officers working under him are professionals. Ernie Hedrick, Chief Jordan's brother-in-law is also an excellent Fire Chief with fine Outstanding men working under his command.

All these fine young men should have our heart felt gratitude for the service they provide. Be grateful for these servants of our community and praise them instead of ridiculing them in anonymous letters and silly cartoons.

Nitro Resident,
Kay Taylor

NITRO CITY COUNCIL
MINUTES
SEPTEMBER 19, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: The meeting was called to order at 7:30 pm in Council Chambers. Those in attendance were Mayor Rusty Casto, Recorder Rita Cox, Councilwomen Brenda Tyler and Gertie Estep, Councilmen Bill Javins, Bill Racer, A. A. "Joe" Savilla, and Bill Clark, Treasurer Tifney Terry, and City Attorney Troy Giatras. Absent was Councilman Tim Harrison.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: The invocation was given by Councilman A.A. "Joe" Savilla and the Pledge of Allegiance was led by Councilman Bill Javins.

AGENDA ITEM NO. 3 - APPROVAL OF MINUTES: COUNCILWOMAN TYLER MOVED THAT THE MINUTES OF SEPTEMBER 5, 2006 BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR PASSAGE OF THE MOTION. Following the passing of the motion, Mayor Casto recognized city employee Leroy Graley who was recently injured in an accident while working for the city. Mayor Casto said that the injuries were critical and there was some question concerning his ability to recover. Leroy and his wife Sheila were in attendance and he thanked the people for their cards, prayers and support. He said that he did not realized how many friends he had until the accident happened and he was grateful for the City of Nitro employees who gave him so much support. Mayor Casto said he would like to have a cookout to welcome him back. Councilwoman Tyler said it was good to see him in Church. Councilman Clark welcomed him back. Councilman Savilla said that this was another example of the good employees in Nitro.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH: Mayor Casto recognized Councilwoman Brenda Tyler as September Citizen of the Month for the work she has done for the playground and World War II Memorial and commemoration held this past weekend. Councilwoman Tyler thanked Mayor Casto and urged people to visit the wall and read the names of the 99 men who died in battle. She said this has been a five year project and she thanked Council and all those who helped it come to pass.

B. RECREATION REPORT: Councilwoman Tyler reported that there will be a Haunted Lake Trail at Ridenour Lake beginning October 13, 2006. Members of the Drama Club from Nitro High School will be assisting. The Annual Halloween Street Party will be held on October 31, 2006 on Second Avenue between 21st St. and 19th St. The next meeting of the Recreation Committee will be Wednesday, September 27 at 6:30 pm. The meeting will be held in Council Chambers.

Councilwoman Tyler also reported that two grants had been awarded to Nitro for use on the Community Field being prepared at City Park. A grant for \$20,000.00 has been awarded from the Kanawha County Commission for sod on the field. This field will be used for football, soccer, and family nights among other things. The second grant was from Kanawha Valley Senior Services and is for \$20,000.00. This is to be used for a walking track at the City Park.

Councilwoman Tyler also wanted included in the minutes of the meeting a letter submitted by Nitro resident Kay Taylor in support of the Nitro city employees who are family members. The letter was submitted in reaction to an anonymous cartoon that was recently distributed in town. She also referred to comments she had received recently in praise of the Nitro Police Department and their professionalism.

C. LEGAL ISSUES: City Attorney Troy Giatras reported that it had been determined that the portion of Michigan Avenue left unpaved was still a part of the City and that the application for Petition to Close a Public Street originally made by Mark Sanders had been withdrawn. The petition was originally submitted February 20, 2004 but later withdrawn. The portion of Michigan

Avenue that was not paved has been determined to be a city street.

Councilwoman Tyler asked Attorney Giatras to research what procedures and/or recourse members of Council have concerning unethical conduct by a member of Council and bring that information to the next meeting.

D. FINANCIAL REPORT: City Treasurer Tifney Terry asked members of Council for any questions concerning finances in the city. COUNCILMAN SAVILLA MOVED THAT THE CITY OF NITRO PURCHASE SOD TO BE USED ON THE PRACTICE FIELD WITH \$20,000.00 GRANT FROM THE KANAWHA COUNTY COMMISSION USING BIDS SUPPLIED THROUGH THE KANAWHA COUNTY BOARD OF EDUCATION. THE MOTION WAS SECONDED BY COUNCILMAN RACER. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

AGENDA ITEM NO. 5 - OLD BUSINESS: PAVING-MICHIGAN AVENUE: COUNCILMAN JAVINS MOVED THE CITY COMPLETE THE PAVING ON MICHIGAN AVE. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. VOTING FOR THE MOTION WAS COUNCILMAN JAVINS, COUNCILMAN SAVILLA, COUNCILWOMAN TYLER AND RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WAS COUNCILWOMAN ESTEP AND COUNCILMAN RACER. THE MOTION PASSED.

AGENDA ITEM NO. 6 - NEW BUSINESS: COUNCILMAN CLARK MOVED TO RELEASE PAYMENT FOR BILLS IN THE AMOUNT OF \$108,962.49. THE MOTION WAS SECONDED BY COUNCILWOMAN TYLER. Councilwoman Estep asked what do we have to pay? City Treasurer Terry said she gave Council all the available information and she did not know what else she needed to know. Councilwoman Estep asked why the rent had not been paid for the Senior Center. Bob Schamber said the bill was not going to the correct place. Tifney Terry said that had been addressed. Councilman Racer asked if the audit was complete. Treasurer Terry said that it was not over and the auditors would be returning. Councilwoman Estep said the public had a right to be present at the exit interview for the audit. Councilman Racer asked about the budget comparison. Treasurer Terry said it should be out in October. Captain Javins indicated there was a motion on the floor. A vote was called for. THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS:

Councilman Javins reported that the Cell Phone Committee had met on September 13, 2006. The committee is looking at some other options besides Nextel. They will meet again soon.

Councilman Racer referred to a recent newspaper article concerning a Council meeting. He wanted to know if that was true. City Recorder Cox told him that was not true. She said a meeting was not called.

Councilman Savilla said the Fire and Annexation Committees had met on Sept. 11, 2006 but he had been called out of the meetings. They will both meet again at 6:30 pm and 7:30 pm on Monday, September 25, 2006.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE: The next regularly scheduled meetings of Council are Tuesday, October 3, 2006 and Tuesday, October 17, 2006. The meetings will be at 7:30 pm and will be held in Council Chambers.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Nitro resident Mary Jo Stickley spoke on behalf of residents on Lock Ave. She said they needed a street sign to identify the name of the street particularly for emergency vehicles. Also she said the street needs cleaned and tree limbs need cleaned up from the recent storm.

Nitro resident Andrea Clark said the property next to her home on 40th St. needed to be mowed. She said the grass and weeds had gotten far above the height that is allowed and she requested something be done about it.

Albert Walls asked about enforcement of the Yard Sale Ordinance that was passed recently. Captain Javins of the Nitro Police Department said that he would have to have a

finalized copy of the ordinance before he could require his officers to enforce it. City Attorney Troy Giatras said he would get a copy to the city immediately.

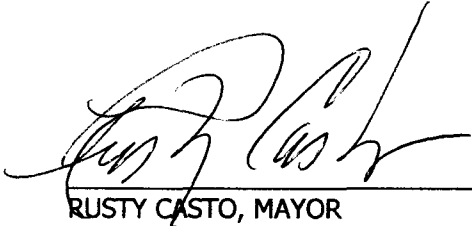
Keith Stathers asked if the dumping at Ridenour Lake was being cleaned up. Councilwoman Tyler said that the DEP had ruled that was not a dump but had created a habitat for wild animals.

Delmar Byrd spoke on behalf of the City and the wonderful job they do.

Bob Schamber also spoke on behalf of the City of Nitro and the professionalism shown during the recent death of his mother.

AGENDA ITEM NO. 10 - ADJOURNMENT:

COUNCILMAN SAVILLA MOVED THE MEETING BE ADJOURNED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED.



RUSTY CASTO, MAYOR



RITA COX, RECORDER

September 15, 2006

TO: MAYOR CASTO & NITRO CITY COUNCIL

I recently saw a cartoon ridiculing the Jordan family for serving their community.

I don't understand the problem with family members working within the city in the Fire Department and the Police Department.

If checked, you would find, fathers, sons, brothers, Uncles, cousins and So on working in these same positions across the country. Don't you remember how many family members lost their lives on 9-11 trying to serve and protect?

I've known this family for years and I know about their kind hearts and generosity to those in need. Jack Jordan is a fine Police Chief and every One of his officers working under him are professionals. Ernie Hedrick, Chief Jordan's brother-in-law is also an excellent Fire Chief with fine Outstanding men working under his command.

All these fine young men should have our heart felt gratitude for the service they provide. Be grateful for these servants of our community and praise them instead of ridiculing them in anonymous letters and silly cartoons.

Nitro Resident,
Kay Taylor

NITRO CITY COUNCIL
MINUTES
TUESDAY, OCTOBER 3, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: The meeting was called to order at 7:30 pm. Attending the meeting were Mayor Rusty Casto, Recorder Rita Cox, Councilwomen Gertie Estep and Brenda Tyler, Councilmen Bill Javins, Bill Racer, A.A. "Joe" Savilla, and Bill Clark, Treasurer Tifney Terry and City Attorney Troy Giatras. Absent was Councilman Tim Harrison.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Councilwoman Brenda Tyler gave the invocation with a special remembrance for Councilwoman Estep's daughter, Kim, Mayor Casto's brother, Bill Casto, and Councilman's Savilla brother, Bennie Savilla.

AGENDA ITEM NO. 3 - COUNCILMAN SAVILLA MOVED THAT THE MINUTES OF SEPTEMBER 19, 2006 BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

AGENDA ITEM NO. 4 - REPORTS:

A. CITIZEN OF THE MONTH - Brenda Tyler was recognized as Citizen of the Month for October. Bob Schamber of the Nitro Senior Center presented her with flowers to recognize the work she does for the city. Councilman Savilla commended her for the job she does. Councilman Clark thanked her for all she had done for the recent parade and memorial for World War II veterans. Mayor Casto announced the cookout for Leroy Graley would be held Friday, October 6, 2006 at the City Garage.

B. RECREATION REPORT - Councilwoman Tyler reported that a Haunted Lake would be held at Ridenour Lake beginning October 13, 2006 and going through Saturday, October 28, 2006. The city is being aided by the Drama Club from Nitro High School. On Halloween night, October 31, 2006 the city will host the annual street party on 2nd Avenue. Volunteers for both activities will be welcomed.

C. FINANCIAL REPORT - City Treasurer Tifney Terry asked if Council had any questions concerning the financial information they had received. Councilwoman Estep asked if all the checks were in there that we owe. Treasurer Terry said that Council receives a report that shows every check that is written. Council will be voting later in the meeting to release payment for the bills. Every check that is written for the month is included. Councilwoman Estep asked if the NDA had been paid for rent of the Senior Center. Nitro citizen Bob Schamber spoke up to say that the invoice had been lost and had not been delivered. Treasurer Terry said she can not pay a bill if she has not received an invoice. Bob Schamber said he would deliver the invoice the next time. Councilwoman Estep said she thought that Center Director Don Hudnall had delivered the invoice but Treasurer Terry said that was not the case. Councilwoman Estep asked about NAPA and why does the city write so many checks to them. Treasurer Terry said she has been requiring each purchase to be approved to get a handle on expenditures at NAPA. Councilwoman Estep asked if the budget comparison is in place and Treasurer Terry said she hoped to get that done next Sunday. Councilwoman Estep asked if Treasurer Terry was receiving help from Debbie because she is on the payroll and has received \$2100.00 this month. Treasurer Terry said that she was not an employee of City Hall and has continued her employment under Recreation to help with the Halloween Party. Councilwoman Estep asked about the possibility of enlisting two employees from City Hall to assist and Treasurer Terry responded that they were too busy with daily activities to assist. Councilwoman Estep volunteered to assist.

City Treasurer Tifney Terry reported that two accounts that had been at Rock Branch Bank were closed. One account which was a special allocation account that held the business and occupation revenue from the Nitro Marketplace was moved to Huntington Banks. The Homeland Security Account contained \$7092.46 and that money was moved to the general fund at Huntington Banks. The general fund had been used to pay invoices that came in under

Homeland Security.

Treasurer Terry told Council that they had received a list that contained names of people who were delinquent for one year or more on Municipal Service Fee. Mary Beth Burt in City Hall has been working diligently on the list for the last several months. Everyone on the list will receive a courtesy call if possible and will be given a chance to pay or make payment arrangements. After giving citizens a good faith effort to make payments the names will be published in the next two or three weeks. Councilwoman Estep said she thought the names should be published in the Charleston area newspapers like St. Albans did. Mayor Casto indicated that some of the names are the same as employees, their families and former employees. The addresses will be the indicator of which person it is.

D. LEGAL ISSUES: City Attorney Troy Giatras said he was working on several matters including working with Recorder Cox on the insurance money from the tire fire of May 4, 2006. The Raynes lawsuit had been dismissed with prejudice from U.S. Federal Court. The suit stemmed from a filing of a wrongful arrest suit filed by the Raynes family and the city paid no money. Councilwoman Tyler asked Attorney Giatras if he had researched her question from the last Council Meeting concerning the removal of a Council Member. He said he had that information and would brief her on it at her convenience.

Councilwoman Tyler introduced Nitro Fireman Corey Dean who is working on obtaining grant money for kits to learn how to do CPR in the home. Corey Dean said that the plan was to buy 150 kits at \$30.00 each and ultimately have at least one on every street. The house with the trained person would have a sticker indicating the trained person lives there and they would be covered by the Good Samaritan law concerning liability. The kit contains a dvd and everything necessary to learn to do CPR at home. Councilwoman Tyler asked anyone interested in receiving a kit to let her know.

AGENDA ITEM NO. 5 - OLD BUSINESS: There were no issues to be discussed under this agenda item.

AGENDA ITEM NO. 6 - NEW BUSINESS:

A. COUNCILWOMAN TYLER MOVED THAT COUNCIL RELEASE PAYMENT FOR BILLS IN THE AMOUNT OF \$128,658.44. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE VOTE WAS UNANIMOUS FOR THE MOTION.

B. CALENDAR BIDS: Mayor Casto yielded the floor to City Recorder Cox. Recorder Cox distributed three sealed bids for Council to open. Councilman Javins read a bid from Dunbar Printing for \$5944.00. Councilman Clark read a bid from The Printing Press for \$4659.00. Councilwoman Tyler read a bid from Traco Business Systems for \$9800.00. Mayor Casto asked Council to allow him to meet with Treasurer Terry and Recorder Cox to determine if the bids contain all the information. COUNCILMAN SAVILLA MOVED THAT MAYOR CASTO, TREASURER TERRY AND RECORDER COX RESEARCH THE BIDS TO DETERMINE THE FINAL COSTS ARE REPRESENTED IN THE BIDS AND MAKE THE DECISION TO AWARD THE CONTRACT. THE MOTION WAS SECONDED BY COUNCIL BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.

C. WALKING TRAIL: Mayor Casto yielded the floor to Councilwoman Tyler to tell the reason for the walking trail after Recorder Cox distributed the one bid that was received. The trail is to be at the Nitro City Park around the new practice field. A grant was received to pay for the track from the West Virginia Bureau of Senior Services for \$20,000.00. Councilwoman Tyler read the lone bid from West Virginia Paving for fine grade area 1,535 x 8, pave with 2 inches asphalt base course. Pave with 1.5 inches asphalt wearing course, lump sum \$22,967.99; if grading is done by others deduct \$2,400.00 from price. COUNCILMAN CLARK MOVED THAT THE CITY ACCEPT THE BID SUBMITTED BY WEST VIRGINIA PAVING. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. THE MOTION PASSED UNANIMOUSLY. Councilwoman Tyler reminded those in attendance that the City of Nitro retains ownership of the Nitro Park and the practice field and Walking Trail.

D. BUILDING CODE ORDINANCE 1711 UPDATE-FIRST READING: Treasurer Terry

announced to Council that City Building Inspector Bryan Casto had recently tested and passed the ICC Commercial Building Inspector certification examination. Bryan Casto told Council that the city needs to update the Building Code Ordinance. In 2004 West Virginia adopted the International Building Code and it was believed at the time that the city automatically followed. It has been determined that is not true. West Virginia changes every three years. COUNCILMAN SAVILLA MOVED THAT WE ADOPT THE CODES ON FIRST READING, ARTICLE 17.1. THE MOTION WAS SECONDED BY COUNCILMAN RACER. Councilwoman Tyler asked if we could request any changes made by the state could automatically be adopted by the city. Attorney Giatras said the City may want to retain the right to make the change. Bryan Casto said the code changes every three years. He said it will help the city ISO rating to stay no more than one year behind. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

AGENDA ITEM NO. 7- QUESTIONS AND ANSWERS:

Mayor Casto reminded Council about the celebration for Leroy Graley on Friday, October 6, 2006 at 11:30 am at Public Works. He also told those in attendance that Ivan Meadows will be honored as Channel 3 Hometown Hero this week.

Councilman Javins complimented the city on the Homecoming Parade. Mr. Hite from the DEP and Kemron will be meeting soon concerning the boat ramp.

Councilman Savilla said Annexation and Fire Committee had met on Mon., Sept. 25, 2006 and another meeting will be announced soon.

COUNCILMAN CLARK MOVED THAT COUNCILMAN HARRISON BE REMOVED FROM ALL COMMITTEES, CELL PHONE AND ANNEXATION, AND NDA BOARD. THE MOTION WAS SECONDED BY COUNCILWOMAN TYLER. VOTING FOR THE MOTION WAS COUNCILMEN JAVINS AND CLARK, COUNCILWOMAN TYLER, AND RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WERE COUNCILMAN RACER AND COUNCILWOMAN ESTEP. THE MOTION PASSED.

Councilwoman Tyler said she was concerned about Council and that she did not want to be associated with that type of behavior.

Recorder Cox commended the Nitro Police and Fire Departments on the success of the Homecoming Parade.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

The next regularly scheduled meeting of Council is Tuesday, October 17, 2006 at 7:30 pm and Tuesday, November 7, 2006 at 7:30 pm. The meetings will be held in Council Chambers.

AGENDA ITEM NO. 9 - PUBLIC FORUM:

Wayne Fleshman announced that a Cruise In will be held on October 21, 2006 at his business, Somewhere In Time and on 21st St. All proceeds made from the event will go towards the Christmas Basket program being sponsored by the Nitro Ministerial Association.

AGENDA ITEM NO. 10 - ADJOURNMENT:

COUNCILMAN A.A. "JOE" SAVILLA MOVED COUNCIL BE ADJOURNED. THE MOTION WAS SECONDED BY COUNCILMAN BILL CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.


RUSTY CASTO, MAYOR


RITA COX, RECORDER

Ordinance 06-04

*1st Reading
October 3, 2006
2nd Reading
Oct. 17, 2006*

**ARTICLE 1771
WEST VIRGINIA STATE BUILDING CODE**

1711.01 Adoption.
1711.02 Definitions

1711.03 Conflicts.

CROSS REFERENCES

Adoption by reference – see W. Va. Code 8-11-4
Building regulation – see W. Va. Code 8-12-13
State Building Code – see W. Va. Code 29-3-5b

1711.01 ADOPTION.

(a) There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of safeguarding life and property and to ensure the quality of construction of all structures erected or removed throughout the Municipality that certain code known as the State Building Code as promulgated by the Fire Marshal under West Virginia Code 29-3-5b.

(b) The standards and requirements as set out and published by THE INTERNATIONAL CODE COUNCIL, as listed below, shall have the same force and effect as if set out verbatim in this section:

The 2003 International Building Code.
The 2003 International Residential Code
The 2003 International Existing Building Code
The 2003 International Plumbing Code.
The 2003 International Mechanical Code.
The 2003 International Electrical Code
The 2003 International Energy Conservation Code
The 2003 International Performance Code
The 2003 International National Property Maintenance Code.
The 2003 International Fuel and Gas Code
The 2003 International Energy Conservation Code.

1711.02 DEFINITIONS.

- (a) "Building Code" includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.
- (b) "Fire Marshal" means the West Virginia State Fire Marshal and/or his designated representatives.
- (c) "State Building Code" means the entire contents of this article and the referenced national codes.
- (d) "ICC" refers to the International Code Council, 4051 Flossmoor Road, Country Club hills, Illinois, 60477-5795

1711.03 CONFLICT

Whenever there arises a conflict between the State Fire code and the State Building Code, the State fire Code shall take precedence.

Whenever there arises a conflict between the International Plumbing Code portion of the State Building Code and the rules of the State Board of Health, the rules of the Board of Health shall take precedence.

Whenever there arises a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

Rita Lox, Recorder



NITRO CITY COUNCIL
MINUTES
OCTOBER 17, 2006

AGENDA ITEM NO. 1 - CALL TO ORDER: The meeting was called to order at 7:30 pm. In attendance were Mayor Rusty Casto, Recorder Rita Cox, Councilwomen Brenda Tyler and Gertie Estep, Councilmen Bill Javins, Bill Racer, A.A. "Joe" Savilla and Bill Clark, Treasurer Tifney Terry and City Attorney Troy Giatras. Absent was Councilman Tim Harrison.

AGENDA ITEM NO. 2 - INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Casto requested a moment of silence for Nitro citizen and educator David Tidquist who recently passed away. Councilwoman Brenda Tyler led the invocation with a special remembrance for Kim, the daughter of Councilwoman Gertie Estep who recently had surgery. The Pledge of Allegiance was led by Roger Hughes from the Office of West Virginia State Treasurer, John Perdue.

AGENDA ITEM NO. 3 - COUNCILWOMAN TYLER MOVED THAT THE MINUTES OF THE OCTOBER 3, 2006 MEETING OF COUNCIL BE APPROVED AS WRITTEN. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 4 - REPORTS:

A. DNR - BOAT LAUNCH: Chris Amick of Kemron introduced David Hite of the DNR to introduce Roger Kennedy of the Chapman Technical Group. David Hite said that FMC was in the process of developing the Risk Assessment. Also introduced was Dawn Seeburger who is to be the state's risk assessment contractor for the site. David Hite said that there would be a public meeting scheduled in the near future concerning the boat ramp. He stated that members of council and Mayor Casto would be informed. Roger Kennedy presented a drawing of the boat launch that would be built at the Smith St. landfill. He said that it was a typical DNR design. The plans included a double wide ramp, handicap accessibility, asphalt paving and lighting. The plan includes approximately 38 parking spots. Mayor Casto said he thought it was originally planned with 50 parking spots, but it may have been scaled back somewhat. Mr. Kennedy said it was scaled back because of the sanitary and manholes on the site. Councilman Racer asked if there would be handicapped assessable fishing. Mr. Kennedy said there would not be restrooms. The facility would be open 24 hours per day and the site near the river is to be flooded with light. Councilman Clark asked if we were on schedule for risk assessment. David Hite responded that the DNR is only taking control of a specific area. The lower portion will stay non-residential, and the city will take over the rest. After the certificate of completion is issued the City of Nitro can go back later and break off a portion to bring to residential status. Councilman Clark said he felt like the City of Nitro is getting it dumped in our lap. A gate or fence cannot be put up because it is to have 24 hour access. Attorney Troy Giatras asked if the boat ramp had to be open 24 hours a day. David Hite responded that after it is turned back to the city there could possibly be some adjustments to the time it was open. Mr. Hite said construction on the boat launch should begin in the spring of 2007. Councilman Clark said he did not want to assume the property and be held responsible without FMC or Solutia being held partially responsible. Dawn Seeburger added that the applicants are the ones who determine if the property is residential or nonresidential. Councilman Savilla asked who the City of Nitro negotiates with to have the property declared residential or non-residential. Attorney Giatras said that the co-applicants make that determination. Councilman Clark said that approximately \$1.5 million dollars has been spent on the property and for an estimated \$80,000.00 to \$100,00.00 the property could be raised to residential standards. Councilman Clark said that the city should pursue residential standard for the property. Councilman Savilla said that the city had originally allowed FMC to dump in the area. We are now trying to get it cleaned up. Even though we did not allow it we are responsible for it. Councilwoman Tyler said we need to continue with the boat ramp. Recorder Cox asked Chris Amick of Kemron who he worked for. He said he worked for both applicants, FMC and for the City of Nitro. He said he was a licensed mediation specialist. Mr. Hite said that the Certificate of Completion was a covenant from the State of WV not to sue.

B. RECREATION REPORT: Councilwoman Tyler reported that the Haunted Lake has had a successful start. She said that they had cleared \$2700.00 and the trail would be open till Saturday, October 28, 2006, weather permitting. She also said that there would be a Halloween party on October 31, 2006 on 2nd Avenue. Volunteers are welcomed and gift bags of candy will be given out. Dustin Fridley is heading up a candy drive at Nitro High School. She said the idea was to keep Halloween safe.

C. LEGAL ISSUES: City Attorney Troy Giatras informed Council that he had worked to add wording to the ordinance concerning public nuisance.

COUNCILWOMAN TYLER MOVED THAT CITY ATTORNEY TROY GIATRAS DRAFT A PETITION TO BEGIN PROCEEDINGS TO REMOVE COUNCILMAN TIM HARRISON FROM HIS POSITION AS WARD THREE COUNCILMAN. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. VOTING FOR THE MOTION WAS COUNCILMEN JAVINS, SAVILLA, CLARK, COUNCILWOMAN TYLER, RECORDER COX. VOTING IN OPPOSITION WERE COUNCILWOMAN ESTEP AND COUNCILMAN RACER. THE MOTION PASSED

Mayor Casto indicated that the next Council Meeting was scheduled for election day. COUNCILMAN CLARK MOVED THAT THE NEXT MEETING DAY FOR COUNCIL BE CHANGED TO NOVEMBER 1, 2006. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

Councilman Javins asked Attorney Giatras about the 31st St. slip. Attorney Giatras said he was trying to get information from the insurance carrier. He also thought Mr. Sangavi was looking into it.

AGENDA ITEM NO. 5 - NEW BUSINESS: BUILDING CODE ORDINANCE 1711 UPDATE - SECOND READING: COUNCILMAN A.A. "JOE" SAVILLA MOVED THAT COUNCIL ADOPT ON SECOND READING THE WEST VIRGINIA STATE BUILDING CODE ORDINANCE 1711. THE MOTION WAS SECONDED BY COUNCILMAN CLARK. THE VOTE WAS UNANIMOUS FOR THE MOTION.

AGENDA ITEM NO. 6 - APPROVAL TO RELEASE PAYMENT FOR BILLS IN THE AMOUNT OF \$54,319.81. COUNCILMAN CLARK MOVED THAT \$54,319.81 BE RELEASED FOR THE PAYMENT OF BILLS. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 7 - QUESTIONS AND ANSWERS: Mayor Casto introduced Mr. Roger Hughes of State Treasurer John Perdue's office. Mr. Hughes told Council part of his job is to help citizens of the State of WV doing a search and reclaiming funds due them.

Councilman Javins thanked Council for keeping the boat launch project on track.

Councilman Racer asked Treasurer Terry about the budget comparison. She responded that she would have that available the next morning. The numbers from 2006 were used instead of 2007. It will be correct.

Councilman Savilla announced that the Nitro High School Show Choir will have a Fall Flash spaghetti dinner on Friday, October 20, 2006 at the Nitro Moose Club. He also said that he is requesting an executive session following Council.

Councilman Clark said he was also for the boat launch but wanted to do well for the future with the site.

Councilwoman Tyler said progress was being made at the walking track and practice field at the Nitro City Park. Work will be done soon, possibly this week.

Recorder Cox announced that the Nitro Library would be having a book sale on October 26, 27, and 30 with the last day sale being \$1.00 for a bag of books, bag supplied by the Library. There is a quilt raffle that will be drawn October 30, 2006. The quilt was donated by Nitro citizen Janice Early.

Nitro Policeman Gene Javins requested that provision concerning vacation for Police and Fire Department be addressed and updated in the employee handbook.

AGENDA ITEM NO. 8 - ESTABLISHMENT OF MEETING DATE:

The next regularly scheduled dates of Council will be Wednesday, November 1, 2006 and

Tuesday, November 21, 2006. Both meetings will be in Council Chambers at 7:30 pm.

AGENDA ITEM NO. 9 - PUBLIC FORUM: Bob Schamber told Council of a book written by Keith Estep concerning his first 18 years growing up in Nitro. The book will be available at the antique store.

Wayne Fleshman said there would be a Cruise In on October 21, 2006 at Somewhere in Time. Money raised would go to the Christmas Baskets.

Harvey Barton said he thought the city needed a better sound system for Council Chambers. Councilman Savilla asked if the city owned the sound system. The mayor said we did.

COUNCILMAN SAVILLA MOVED COUNCIL GO INTO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY RECORDER COX. THE VOTE WAS UNANIMOUS FOR THE MOTION.

Council Chambers were cleared for Executive Session.

Following Executive Session Council reconvened. COUNCILMAN RACER MOVED COUNCIL BE ADJOURNED. THE MOTION WAS SECONDED BY COUNCILMAN RACER. THE MOTION PASSED.

RUSTY CASTO, MAYOR



RITA COX, RECORDER

Ordinance 06-04

*1st Reading
Oct. 3, 2006*

*2nd Reading
Oct. 4, 2006*

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Rita Cox, Recorder