Agenda

Nitro City Council

Tuesday, July 16, 2024

7:00pm

		7:00pm			
 David Casebolt Rich Hively 	Mayor Recorder	 Emily Barr Bill Javins Andy Shamblin 	Council-at-Large Council-at-Large Council-at-Large	 Donna Boggs Cynthia McGill Joe Murphy Michael Hill 	Ward 1 Ward 2 Ward 3 Ward 4
 Johnnie Brown Michael Griffith, CPA John Montgomery 	Attorney Treasurer Legislative Liason	 Kim Reed Joe Stevens 	City Planner CVB Executive Director		
Call-to-Order	Mayor David Caseb	olt			
Invocation			Pledge of Allegiance		
Future Dates of Council 1	Aug. 6, Aug. 20 and	Sept. 3rd, Sept. 17th	(NOTE: Monday Sept. 2nd is Labor	Day)	
Approval of Minutes from J	uly 2nd council meet	ing			
NOTE: Discussed te	mporary repairs & agi	reed to get a permane	te \$26,011.20 Hass Concre ent repair quote at last mee	· -	
Funding for Nitro Food	Pantry - City of Nitro	, Andy Shamblin \$2,5	00		
1st Reading - Ordinance	Nitro Ordinance Sec Nitro Ordinance Sec Nitro Ordinance Sec Nitro Ordinance Sec Nitro Ordinance Sec	ction 70.166 driving ction 70.167 driving ction 70.168 obstruc ction 70.169 vehicle	through safety zone on closed roads posted for ction of traffic security g from a motor vehicle	r repairs	
Open BIDS to remodel	Police Department Tra	aining Room			
Legal Notice - bids for 2	240kw EV Charging Sta	ation RFP Tuesday J	uly 16 & 23, Open Bids in C	ouncil August 20	
Nitro Firemen's Pensio	n Report - Fiscal Year	Ending June 30, 2024	- Prepared by John Young		
Nitro Police Pension Re	eport - Fiscal Year End	ling June 30, 2024 - Pi	repared by John Young		
ATTORNEY'S REPORT - John	nie Brown				

TREASURER'S REPORT - Michael Griffith

Budget Revision Approval of Accounts Payable Approval of the General Fund balance as of 6/30/24

MAYOR COMMENTS

COUNCIL-AT-LARGE COMMENTS

WARD COUNCIL COMMENTS

CVB COMMENTS - Joe Stevens

CITY PLANNER COMMENTS - Kim Reed

PUBLIC COMMENTS

ADJOURNMENT

MAYOR:

David Casebolt

RECORDER:

Rich Hively

Rlh07162024

MINUTES Nitro City Council

Tuesday, July 2, 2024

7:00pm

 David Casebolt x Rich Hively 	Mayor Recorder	x Emily Barr x Bill Javins x Andy Shamblin	Council-at-Large Council-at-Large Council-at-Large	x Donna Boggs x Cynthia McGill x Joe Murphy x Michael Hill	Ward 1 Ward 2 Ward 3 Ward 4
x Johnnie Brown x Michael Griffith x John Montgomery	Attorney CPA Legislative Liason	x Kim Reed x Joe Stevens	City Planner CVB Executive Director		
Call-to-Order	Rich Hively, Recorder @	7:00pm (Mayor Case	ebolt was on vacation)		

Invocation - Lane Kirby (Rich Hively's daughter)

Pledge of Allegiance - Bill Javins (elder statesman of city council)

Swearing-In of city council for 07/1/2024 thru 6/30/2028 by Kanawha County Magistrate Russell W Casto III, aka Rusty Casto Ward Council ... [1] Donna Boggs √, [2] Cyndi McGill √, [3] Joe Murphy √ and [4] Mike Hill √
 Council-at-Large ... Bill Javins √, Andy Shamblin √ and Emily Barr √
 Recorder ... Rich Hively √
 Mayor ... David Casebolt √ ... was sworn-in Sunday, June 20, 2024 by Magistrate Casto prior to leaving on vacation

Approval of Council Minutes - June 11 - motion Bill, 2nd Emily V	(only meeting in June)
June 4 - NO Meeting - Election Day; June 18 - NO Meeting	

Annual CVB Report by Joe Stevens, Executive Director ... motion Donna, 2nd Mike V

Joe highlighted how the CVB helped organize events for the benefit of the local community residents and to draw out-of-town visitors to the city. In terms of marketing the city for visitors, Stevens explained to council that the CVB's website "visitnitro.com", as well as utilizing Facebook, were two mainstays of outward communication. He also explained the distribution of the city's two marketing rack cards and the amount of dollars spent in paid advertising promoting the city. Stevens also went into detail how the Nitro CVB works with other local CVBs to promote the entire region.

Update of City Ordinances:

SECOND READING of the following Ordinances: John Montgomery, Legislative Liason

Ordinance Section 70.160 - Riding or jumping onto vehicles ... motion Donna, 2nd Mike ∨ Ordinance Section 70.161 - Squealing tires, cracking exhaust noises ... motion Joe, 2nd Mike ∨ Ordinance Section 70.162 - taking, injuring, or tampering with vehicle ... motion Bill, 2nd Joe ∨ Ordinance Section 70.163 - driving on sidewalk, street, lawn or curb ... motion Donna, 2nd Mike ∨ Ordinance Section 70.164 - shortcutting, avoiding traffic control devices ... motion Bill, 2nd Mike ∨ ... motion Donna, 2nd Mike ∨ Ordinance Section 70.165 - coasting prohibited ... motion Bill, 2nd Donna ∨

Paving & Concrete: Bill Javins \$200,000 paving & concrete budget for fiscal year 2024-25 ...

... split \$100,000 in the fall (09/25/2024) & \$100,000 next spring (06/25/25).

Nitro History & Wars Museum Historic Markers: Rich Hively, Nitro Historian

The Nitro Historic Commission received a \$20,000 grant from the Benedum Foundation and \$5,000 from the Nitro CVB. An additional \$6,940 is needed to erect (10) Historic Markers through the WV Department of Archives & History's for the WV State Historic Marker Program. The NHC will submit the proposed markers to the WVDAH & they will research them to verify the historic facts, have the markers manufactured and then install them at appropriate locations in town.

Attorney's Report - Johnnie Brown - nothing to report

TREASURER'S REPORT - Michael Griffith, CPA

Coal Severance Tax adjustment adopted per resolution ... motion Joe, 2nd Bill V "... subject to approval of the State Auditor as ex-officio chief inspector of public offices the municipal council does hereby direct the budget be revised PRIOR to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision 2025 Fund 02 - #1, a copy of which is entered as part of this record".

Approval of Accounts Payable ... motion Donna, 2nd Joe ${\sf V}$ Budget Revision - none

MAYOR'S COMMENTS - Mayor Casebolt is on vacation

COUNCIL COMMENTS:

Andy Shamblin ... we are a blessed community with great people. Thanks to Joe Stevens, CVB and to Kim Reed, City Planner for their work; and to all the volunteers who make all the events possible.

Cyndi McGill ... fireworks will be everywhere the next several days. Please be safe & use caution. Lots of accidents happen that don't need to.

Joe Stevens, CVB COMMENTS:

Reminder about the erosion issue at Ridenour at the dock / kayak launch. Short-term solution is to add larger rock, but long-term is to concrete it. Jamie Wright (Building Dept.) & Dale Dues (Public Works) have both looked at it & agree.
Also, we will have the 8-9-10 year old girls softball 12-tea tournament at city park the weekend of July 12-13-14.
And, the 1st responders pickleball tournament the same weekend ... city park will be busy.
Plus, tonight is movie night at the library.

Kim Reed, City Planner:

FREE swim on Friday night July 12th at the NAC, 5:00pm to 8:30pm and the pickle eating contest.

ADJOURNMENT @ 7:31pm motion Joe, 2nd Mike v

MAYOR:

David Casebolt

RECORDER:

Rich Hively

Rlh07022024

ANDY SHAMBLIN (304) 340-3392 0. (304) 533-9766 C.

ASSISTANT MAJORITY WHIP FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES GOVERNMENT ORGANIZATION HEALTH AND HUMAN RESOURCES JUDICIARY POLITICAL SUBDIVISIONS



BUILDING 1, ROOM 214E 1900 KANAWHA BLVD., EAST CHARLESTON, WV 25305-0470 ANDY.SHAMBLIN@WVHOUSE.GOV

HOUSE OF DELEGATES WEST VIRGINIA LEGISLATURE

5/31/24

Senator Glen Jefferies Commissioner Lance Wheeler Commissioner Ben Salango Nitro Mayor David Casebolt

I have been working on behalf of Bill Fortune and the Nitro Food Pantry to help procure funding for the installation of a generator system to secure their frozen food stock in the event of power failures. Which have recently resulted in massive losses in inventory.

Currently, the Nitro Food Pantry, housed in the Nitro West Sattess Community Center, functions as an all-volunteer organization. They operate approximately on a budget of \$35,000 yearly. They have over 5,000 annual clients who receive services. Additionally, the pantry also runs a take home food backpack program for both Nitro Elementary Students and Rock Branch Elementary which serves 150 students weekly.

Mr. Fortune, who is the long-term volunteer director of the food pantry has obtained a quote from Montori Mechanical Group to install the necessary generator system for \$21,640.

It is my general understanding based on conversations with all the stakeholders that the funding for this project will be obtained through the following donations:

City of Nitro: \$2,500 Kanawha County Commission: \$5,000 Ledya Funds from Delegate Andy Shamblin: \$1,500 Ledya Funds from Delegate Walter Hall \$1,000 Ledya Funds From Senator Glen Jefferies: \$11,640

Attached you will find additional information to facilitate this request. Please do not hesitate to reach out to me or Bill Fortune at 304-881-2015.

Thank you for your consideration.

andychi

NITRO FIREMEN'S PENSION Current Statement of Fiduciary Net Assets Firemen's Employee Retriement Plan June 30, 2024

ASSETS

Current Assets Fidelity Checking Account	\$	781,345.95	
Total Current Assets			781,345.95
Investments at Fair Value			
Investments Bonds		418,232.50	
Investments-Cert. of Deposit		749,151.50	
Investments - EFT's	_	1,255,072.70	
Total Investments			2,422,456.70
Total Assets			\$ 3,203,802.65

LIABILITIES AND CAPITAL

Liabilities			
Total Liabilities			0.00
Total Liabilities		_	0.00
Assets Change in Net Assets	386,311.95		
Net Assets held in Trust		_	3,203,802.65
Total Liabilities & Net Assets		\$	(3,203,802.65)

NITRO FIREMEN'S PENSION Current

Statement of Changes in Fiduciary Net Assets Firemen's Retirement Plan

For the Twelve Months Ending June 30, 2024

	Current Month	I	Year to Date	
ADDITIONS				
Contributions				
City of NItro Contributions	0.00	0.00	248,652.00	31.42
State of WV Contributions	81,012.94	73.57	165,111.96	20.87
Receipts from Fire Employees	7,019.14	6.37	89,789.74	11.35
Total Contributions	88,032.08	79.94	503,553.70	63.64
Investment Earnings:				
Interest Income	2,150.00	1.95	36,555.37	4.62
Dividend Income	5,915.33	5.37	43,912.48	5.55
Change In Investment Value	14,019.27	12.73	207,274.85	26.19
Total Investment Earnings	22,084.60	20.06	287,742.70	36.36
Net Investment Earnings	22,084.60	20.06	287,742.70	36.36
Total Additions	110,116.68	100.00	791,296.40	100.00
DEDUCTIONS				
BROKERAGE FEES	2,807.93	2.55	10,478.54	1.32
Salaries Expense	31,557.87	28.66	394,505.91	49.86
Total Deductions	34,365.80	31.21	404,984.45	51.18
and the second				
Change in Net Assets	75,750.88	68.79	386,311.95	48.82
Beginning Retained Earnings	3,128,051.77		2,817,490.70	
Adjustments To Date	0.00		0.00	
Net Assets - End of Year \$	3,203,802.65		3,203,802.65	

Nitro Police Pension Fund Statement of Fiduciary Net Assets Police Employee Retriement Plan June 30, 2024

ASSETS

Current Assets Fidelity Checking Account Investments-Bonds Investments-Cert. of Deposit	\$	454,540.02 880,427.50 1,217,423.50		
Total Current Assets				2,552,391.02
Investments at Fair Value Fiedlity Exchange Traded Prods Fidelity Stocks	_	2,680,145.09 1,138,375.43		
Total Investments				3,818,520.52
Total Assets			\$ _	6,370,911.54
		LIABILITIE	S ANI	O CAPITAL

Liabilities			
Total Liabilities			0.00
Total Liabilities		-	0.00
Net Assets Change in Net Assets	685,857.32		
Net Assets held in Trust		_	6,370,911.54
Total Liabilities & Net Assets		\$ _	(6,370,911.54)
		_	

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Unaudited - For Management Purposes Only

Nitro Police Pension Fund

Statement of Changes in Fiduciary Net Assets Policemen's Retirement Plan For the Twelve Months Ending June 30, 2024

	Current Month	1	Year to Date	
ADDITIONS				
Contributions				
Plan Members	9,332.92	7.24	120,200.23	9.62
City Contributions	0.00	0.00	266,871.00	21.36
State Contributions	87,952.53	68.24	211,096.34	16.90
Total Contributions	97,285.45	75.48	598,167.57	47.88
Investment Earnings:				
Dividends Earned	14,489.69	11.24	84,264.34	6.74
Interest Income	3,283.22	2.55	68,556.81	5.49
Change In Investment Value	13,829.20	10.73	498,424.39	39.89
Total Investment Earnings	31,602.11	24.52	651,245.54	52.12
Tour myestment Eurimgs	51,002.11	21.02	001,240.04	52.12
Net Investment Earnings	31,602.11	24.52	651,245.54	52.12
Total Additions	120 007 56	100.00	1 240 412 11	100.00
Total Additions	128,887.56	100.00	1,249,413.11	100.00
DEDUCTIONS				
Brokerage Fees	5,581.70	4.33	21,017.37	1.68
Commissions and Fees Exp	200.00	0.16	2,582.00	0.21
Benefits Payroll	43,148.78	33.48	539,956.42	43.22
Total Deductions	48,930.48	37.96	563,555.79	45.11
Change in Net Assets	79,957.08	62.04	685,857.32	54.89
Beginning Retained Earnings	6,290,954.46	02.04	5,685,054.22	34.07
Adjustments To Date	0,290,954.40		0.00	
Aujustitents 10 Date	0.00			
Net Assets - End of Year	\$ 6,370,911.54		6,370,911.54	

For Management Purposes Only

City of Nitro Seeks Proposals for EV Fast-Charging Stations

The City of Nitro invites qualified vendors to submit proposals for the lease and potential purchase of four 240 kW DC fast-charging electric vehicle stations. These stations, to be installed within one mile of the I-64 exit, will support the city's clean energy initiatives and enhance our infrastructure for electric vehicle users.

Vendors will be responsible for the installation, maintenance, and support of the stations. Proposals should include lease terms, costs, and an option-to-buy plan. Submission deadline is August 16, 2024. Proposals will be reviewed at a regular meeting of the City Council on Tuesday, August 20 at 7:00 PM.

For more information, contact Kim Reed at <u>k.reed@cityofnitro.org</u>. Deadline for technical questions is Tuesday August 13, 2024. Proposals should be sent electronically to <u>k.reed@cityofnitro.org</u> or via mail to the City of Nitro Attn: Recorder, PO Box 308 Nitro, WV 25143.

An ordinance to amend and reenact Section 70.166, Chapter 70 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, all relating to driving a vehicle through a safety zone, traffic regulations, and establishing penalties for violations of Section 70.166.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Section 70.166, Chapter 70 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended and reenacted, all to read as follows:

§ 70.166 DRIVING THROUGH SAFETY ZONE.

(A) No operator of a vehicle shall drive the same over or through a safety zone.

(B) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500. Court Costs as determined by the Court shall be added to each conviction.

Passed on First Reading ______ Passed on Second Reading _____

Dave Casebolt, Mayor

An ordinance to amend and reenact Section 70.167, Chapter 70 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, all relating to driving on streets posted as closed for repairs, traffic regulation, and establishing penalties for violations of Section 70.167.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Section 70.167, Chapter 70 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended and reenacted, all to read as follows:

§ 70.167 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

(A) No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(B) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500. Court Costs as determined by the Court shall be added to each conviction.

Passed on First Reading _____ Passed on Second reading _____

Dave Casebolt, Mayor

An ordinance to amend and reenact Chapter 70, Section 70.168 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, all relating to traffic regulations, obstruction of traffic, and establishing penalties for violations of Section 70.168.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Chapter 70, Section 70.168 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended and reenacted, all to read as follows:

§ 70.168 OBSTRUCTION OF TRAFFIC.

(A) No person shall operate, stop, stand or park any motor vehicle on any street or alley within the municipality so as to obstruct or hinder the free flow of motor vehicle traffic except in compliance with a lawful order of a police officer or in compliance with a traffic control sign, signal or marking.

(B) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500. Court Costs as determined by the Court shall be added to each conviction.

Passed on First Reading _____ Passed on Second reading _____

Dave Casebolt, Mayor

An ordinance to amend and reenact Chapter 70, Section 70.169 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, relating to traffic regulation, vehicle security, and establishing penalties for violations of Section 70.169.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Chapter 70, Section 70.169 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended and reenacted, all to read as follows:

§ 70.169 VEHICLE SECURITY.

(A) Every owner or registrant of a motor vehicle shall maintain security upon such vehicle as required by W. Va. Code Article 17D-2A, and no person shall knowingly drive or operate on any street within the municipality any motor vehicle upon which security is required by such Article unless the security is provided, and violation of any of the provisions of W. Va. Code Article 17D-2A, including failure to have a certificate of insurance, if required, shall constitute a violation under this section.

(B) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or imprisoned no more then thirty days, or both fined and imprisoned. Court Costs as determined by the Court shall be added to each conviction.

Passed on First Reading ______ Passed on Second reading ______

Dave Casebolt, Mayor

An ordinance to amend and reenact Chapter 70, Section 70.170 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, all relating to traffic regulation, littering from a motor vehicle, and establishing penalties for violations of Section 70.170.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Chapter 70, Section 70.170 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended and reenacted, all to read as follows:

§ 70.170 LITTERING FROM A MOTOR VEHICLE.

(A) It is unlawful for any driver or passenger of a motor vehicle or other conveyance to place, deposit, dump, throw or cause to be placed, deposited, dumped or thrown, any litter from a motor vehicle or other conveyance in or upon any public or private highway, road, street or alley; any private property; any public property; or the waters of the state or within 100 feet of the waters of this state, except in a proper litter or other solid waste receptacle.

(B) For purposes of this section, litter means all waste material including, but not limited to, any garbage, refuse, trash, disposable package, container, can, bottle, paper, ashes, cigarette or cigar butt, carcass of any dead animal or any part thereof, or any other offensive or unsightly matter, but not including the wastes of primary processes of mining, logging, saw milling, farming or manufacturing.

(C) When there is more than one occupant in a motor vehicle or other conveyance and it cannot be determined which occupant is responsible for violating this section, the driver shall be presumed to be responsible for the violation.

(D) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500. Court Costs as determined by the Court shall be added to each conviction.

Passed on First Reading	
Passed on Second reading	

Dave Casebolt, Mayor

An ordinance to amend and reenact Chapter 70, Section 70.187 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, relating to traffic regulations, obedience to police officers, and establishing penalties for violation Section 70.187.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Chapter 70, Section 70.187 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended and reenacted, all to read as follows:

§ 70.187 OBEDIENCE TO POLICE OFFICERS; FLEEING.

(A) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or special officer invested by law with authority to direct, control or regulate traffic.

(B) No person shall operate a vehicle so as to willfully elude or flee a police officer or special officer after receiving a visible or audible signal from such an officer to bring his or her vehicle to a stop.

(C) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500. Court Costs as determined by the Court shall be added to each conviction.

Passed on first reading _____ Passed on second reading _____

Dave Casebolt, Mayor

Hass Concrete, LLC 3090 Malcolm Rd Barboursville, WV 25504 US hassconcrete@gmail.com

Estimate

ADDRESS

Bill Javins City Of Nitro

ESTIMATE # 1029 DATE 07/10/2024 EXPIRATION DATE 08/10/2024

ACTIVITY	QTY	RATE	AMOUNT
Sub-grade Material Ridenour Lake- Compacted additional sub-grade material at \$3.65 per sq ft.	1,248	3.65	4,555.20
Ridenour Lake Ridenour Lake- Pour concrete pad 6 inches deep 24x52 with rolled up curb on one side install wire mesh and with sub-grade material.	1,248	15.75	19,656.00
Wire Mesh Ridenour Lake- Wire mesh material	1	1,800.00	1,800.00
τοτα	*****		0.014.00

TOTAL

\$26,011.20

Accepted By

Accepted Date