

NITRO CITY COUNCIL
MEETING MINUTES
TUESDAY, JANUARY 19, 2010

CALL TO ORDER: Mayor Rusty Casto called the meeting to order at 7:00 pm in Council Chambers. Attending along with Mayor Casto were Recorder Rita Cox, Councilmen at Large Dave Casebolt, Bob Fields, and Jim McKay, Ward 1 Councilman A. A. "Joe" Savilla., Ward 2 Councilman Bill Racer, Ward 3 Councilman Craig Matthews, Ward 4 Councilman Bill Javins, and City Attorney Richie Robb. City Treasurer John Young did not attend.

INVOCATION/PLEDGE OF ALLEGIANCE: Councilman Jim McKay gave the Invocation and Councilman Bill Javins led the Pledge of Allegiance.

FUTURE DATES OF COUNCIL: Mayor Casto said the future dates of Council are February 2 and 16, 2010 and March 2 and 16, 2010.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF DECEMBER 15, 2009 BE APPROVED AS WRITTEN WITH A SECOND BY COUNCILMAN BILL JAVINS. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

CITIZEN OF THE MONTH: Mayor Rusty Casto announced the January Citizen of the Month is Father Manny Gelido of Holy Trinity Catholic Church who has just celebrated his 30 year anniversary in the Catholic ministry.

OLD BUSINESS:

FIRE DEPARTMENT REPORT ON EQUIPMENT PURCHASE: Captain Jeff Elkins of the Nitro Fire Department reported to the Council on the recent purchase of the Jaws of Life equipment. The purchase was made possible partially by a grant from the Kanawha County Public Safety Committee. He said the new equipment has already been used several times. The equipment has the capability of cutting into a tractor trailer. Councilman Craig Matthews said the Fire Department deserves to have the best equipment possible so that they can continue doing such a good job. Councilman Jim McKay said he has heard very good reports about the Nitro Fire Department and that it makes him proud.

SECOND READING: PLANNING AND ZONING ORDINANCE: City Attorney Richie Robb said the first reading of the Planning and Zoning Ordinance was on December 15, 2009. He said the purpose of the ordinance was to clean up some issues such as repealing the ordinance that came before this one, modify the distance for video lottery, address provisions in commercial zoning to give extended time to rebuild homes that have been destroyed, or the subject of foreclosures. Richie Robb read the Ordinance by Title. COUNCILMAN BILL RACER MOVED THE ORDINANCE TO AMEND PART THIRTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA BY REPEALING ARTICLES 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1341, 1342, 1343, 1344, 1343, AND ALL APPENDICES AND TABLES IN EFFECT ON THE FIRST DAY OF JANUARY, TWO THOUSAND EIGHT; BY REPEALING CHAPTERS 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, AND 1315, PART THIRTEEN AS ENACTED IN JANUARY AND FEBRUARY, TWO THOUSAND EIGHT; AND BY ENACTING IN LIEU THEREOF CHAPTERS 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314 AND 1315, 1316, 1317, 1318 AND 1319 AND THE SECTIONS INCLUDED THEREIN, ALL RELATING TO THE PLANNING AND ZONING ORDINANCE BE MOVED TO THE FLOOR. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS. COUNCILMAN A. A. "JOE" SAVILLA MADE A MOTION THAT THE ORDINANCE RETURN TO THE ORDINANCE 04-04 STATING THAT NO GAMBLING ESTABLISHMENTS SHALL BE LOCATED WITHIN 3000 FEET OF EACH OTHER AND NO GAMBLING ESTABLISHMENT SHALL BE PERMITTED WITHIN 3000 FEET OF ANY CHURCH, PLACE OF WORSHIP, LIBRARY, SCHOOL, OR COMMUNITY CENTER. THE MOTION WAS SECONDED BY COUNCILMAN JIM MCKAY. Councilman Savilla distributed a paper giving bullet points as to why he did not want the change to 1000 feet between establishments and churches, schools,

library, or community center. He said he thought it would lower property values among other things. He said members of the Council are elected to protect the city and the people who live there. By lowering the distance between establishments he thought we were not doing that. Councilman Javins said he thought small businesses should be supported and by lowering the distance we would be doing that. He said that Council had supported Tri-State Racing and Gaming Center and the attempt to get smoking allowed therefore he thought we should support small business. Councilman Savilla said there were rules that should be followed and we should not change the laws for just one person. Mayor Rusty Casto asked if there were a compromise that could be reached which would allow new business that has video lottery and not more. Recorder Rita Cox said that she thought the video lottery business took money from the community more that was being acknowledged. VOTING FOR THE MOTION WITH THE DISTANCE REMAINING AS THE 04-04 ORDINANCE WERE RECORDER RITA COX, COUNCILMAN A. A. "JOE" SAVILLA, COUNCILMAN BOB FIELDS, AND COUNCILMAN JIM MCKAY. VOTING AGAINST THE MOTION CONTAINING THE AMENDMENT MAKING THE DISTANCE 3000 FEET BETWEEN OTHER VIDEO LOTTERY ESTABLISHMENTS AND 3000 FEET BETWEEN VIDEO LOTTERY ESTABLISHMENTS AND ANY CHURCH, PLACE OF WORSHIP, LIBRARY, SCHOOL OR COMMUNITY CENTER WERE COUNCILMAN DAVE CASEBOLT, COUNCILMAN, CRAIG MATTHEWS, COUNCILMAN BILL RACER, AND COUNCILMAN BILL JAVINS. MAYOR RUSTY CASTO VOTED FOR THE DISTANCE TO REMAIN AS THE 04-04 ORDINANCE, 3000 FEET BETWEEN OTHER VIDEO LOTTERY ESTABLISHMENTS AND 3000 FEET FROM ANY CHURCH, PLACE OF WORSHIP, LIBRARY, SCHOOL, AND COMMUNITY CENTER. THE MOTION CARRIED TO PASS THE PLANNING AND ZONING ORDINANCE ON SECOND READING WITH THE AMENDMENT RETURNING THE DISTANCE BETWEEN ESTABLISHMENTS TO THE 04-04 ORDINANCE. City Attorney Richie Robb suggested that Council hold another second reading on the Planning and Zoning Ordinance at the February 2, 2010 meeting of Council with the Ordinance rewritten to contain the language as voted on at this meeting.

NEW BUSINESS:

RESOLUTION ENDORSING 2010 CENSUS: Mayor Rusty Casto presented Council with Resolution 10-1 making the City of Nitro a Partner for the 2010 Census. COUNCILMAN JIM MCKAY MOVED COUNCIL PASS RESOLUTION 10-1 2010 CENSUS PARTNER RESOLUTION WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

CONTRACT APPROVAL COMPUTER GRANT FROM GOVERNOR'S FUND: RECORDER RITA COX MOVED COUNCIL PASS THE RESOLUTION 10-2 CAUSING MAYOR RUSTY CASTO TO ENTER INTO THE GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM CONTRACT BETWEEN THE WV DEVELOPMENT OFFICE AND THE CITY OF NITRO TO PURCHASE COMPUTERS, SOFTWARE, RELATED EQUIPMENT AND A SNOW PLOW. THE MOTION WAS SECONDED BY COUNCILMAN JIM MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

ATTORNEY REPORT: Richie Robb said he did not have a report but was prepared to answer any questions from Council.

TREASURER REPORT: John Young was not in attendance.

COUNCIL COMMENT:

Councilman Bill Javins said the Convention and Visitors Bureau Committee would meet Thursday, January 21 at 6:00 pm in Council Chambers.

Councilman Craig Matthews said to remember our National Guard who are in Haiti serving.

Councilman A. A. "Joe" Savilla said he is pleased that Council works well together. He said he would like to hold an Annexation Committee meeting from the next meeting of Council, February 2, 2010.

Councilman Bob Fields said he would like for everyone to keep the people of Haiti in their prayers and said that Chief E. W. Hedrick's daughter has a good college friend who had lost five members of her family.

Councilman Dave Casebolt said due to the good work of Robin Smith the Safe Routes to School Grant has been applied for. He commended Robin Smith for all her good work.

Councilman Jim McKay thanked Public Works for all the road clearing that they accomplished. He said the new officers for the NDA are Mary Trout, President; Hershel Facemyer, Vice President; Carmen Kostlansky, Secretary; and Susan Graves, Treasurer.

Hershel Facemyer said the NDA had plans for the future such as a handbook/brochure, a web site, and to work developing businesses in the city. He said they also would like to get the Business Association going again.

Councilman Dave Casebolt said that Council should look at making one half of 39th Street zoned for business. Nitro has good interstate access and the city could offer incentives to builders.

PUBLIC COMMENTS:

Bob Schamber said he was appreciative that Blakes Creek Road was cleared of snow. He also said he thought the 2010 calendar was very good.

Hershel Facemyer said that the primary goal of the NDA was to promote business and he has hopes that the website being developed would do that.

ADJOURNMENT:

COUNCILMAN JIM MCKAY MOVED COUNCIL BE ADJOURNED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

RUSTY CASTO, MAYOR

RITA COX, RECORDER