

NITRO CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 2, 2010

**CALL TO ORDER:** Mayor Rusty Casto called the meeting to order at 7:00 p.m. Attending the meeting along with Mayor Casto were 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, Recorder Rita Cox, City Treasurer John Young, and City Attorney Richie Robb.

**INVOCATION/PLEDGE OF ALLEGIANCE:** The Invocation was given by Councilman A. A. "Joe" Savilla and the Pledge of Allegiance was led by Recorder Rita Cox.

**APPROVAL OF COUNCIL MINUTES:** COUNCILMAN JIM MCKAY MOVED THE MINUTES OF THE JANUARY 19, 2010 MEETING BE APPROVED AS WRITTEN WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

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

**CITIZEN OF THE MONTH:** Mayor Rusty Casto yielded the floor to Recorder Rita Cox who announced the February Citizen of the Month was Paul Ronk, pastor of Kingsway Church. Reverend Ronk and his daughters have gone to Haiti to aid in the recovery from the recent earthquake. He and his family have lived there in the past and can speak the language. His daughter's are staying for several weeks and his trip is open ended, as long as he can help and is financially able. The Nitro Mission Team donated \$1000.00 to the trip. Mayor Casto said he would have Reverend Ronk attend a meeting of Council when he returns.

**OLD BUSINESS:**

**SECOND READING PLANNING AND ZONING ORDINANCE:** Richie Robb presented the Second Reading of the Planning and Zoning Ordinance by title only. He indicated to Council that the current reading of the ordinance contains the 3000 feet distance between existing video lottery establishments and 3000 feet from schools, churches, library and community centers as passed by Council in 2004.

COUNCILMAN A. A. "JOE" SAVILLA MOVED THE PLANNING AND ZONING ORDINANCE BE PASSED ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN BOB FIELDS. VOTING FOR THE MOTION WERE COUNCILMEN MCKAY, CASEBOLT, SAVILLA, AND FIELDS, AND RECORDER COX. VOTING IN OPPOSITION TO THE MOTION WERE COUNCILMEN JAVINS, RACER, AND MATTHEWS. THE MOTION CARRIED.

**BUSINESS ENHANCEMENT COMMITTEE/STREETScape:** Mayor Rusty Casto yielded the floor to Councilman Dave Casebolt. COUNCILMAN CASEBOLT MOVED THAT MAYOR CASTO APPOINT A BUSINESS ENHANCEMENT COMMITTEE CONSISTING OF THE THREE AT LARGE COUNCILMEN, ONE WARD COUNCILMAN, AND THE CITY TREASURER. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. Councilman Casebolt explained the responsibility of the committee will be to recommend incentives that will encourage developers and current business owners to invest in or upgrade commercial structures within the city. The goal of the committee would be to have a plan in place before the initial construction phase of streetscape. The forming of the committee could also assist the NDA in the effort to reestablish the Nitro Business Association. THE MOTION PASSED WITH UNANIMOUS APPROVAL.

**NEW BUSINESS:**

**FIRST READING CONVENTION AND VISITORS BUREAU ORDINANCE:** Councilman Javins gave each Councilman a copy of the proposed bylaws for the Convention and Visitors Bureau.

COUNCILMAN CASEBOLT MOVED THE ISSUE BE TABLED UNTIL THE NEXT MEETING WITH A SECOND BY COUNCILMAN MCKAY. He said that Council could have an opportunity to read over the bylaws for the next meeting, VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

ATTORNEY REPORT: Richie Robb said that he had no report but would answer any questions from the Mayor or Council.

TREASURER REPORT: John Young said that he had prepared the 2009 Police Pension contribution and the 2008 Fire Pension contribution. RECORDER RITA COX MOVED COUNCIL PASS THE RESOLUTION FUNDING THE NITRO POLICE DEPARTMENT PENSION FOR FISCAL YEAR 2009 WITH THE WV STATE AMOUNT BEING \$111,431.64. THE MOTION WAS SECONDED BY COUNCILMAN A. A. "JOE" SA VILLA. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

RECORDER RITA COX MOVED COUNCIL PASS THE RESOLUTION FUNDING THE NITRO FIRE DEPARTMENT PENSION FOR FISCAL YEAR 2008 WITH THE WV STATE AMOUNT BEING \$91,534.46. THE MOTION WAS SECONDED BY COUNCILMAN JIM MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

City Treasurer John Young said that the Building Department salary has not been funded through the methods projected and that will make the city out of compliance when audited. He said that he has talked with Richie Robb about the legality of funding the Building Department salary by paying off two vehicle payments (fire truck and Dodge) by using some of the money from the tire fire lawsuit. This would free up money in the Fire Department budget that could be used for the Building Department salary. Councilman Craig Matthews said that the city is actually short on money to be used for a new fire fighter. He said he had spoken with two attorneys, Slicer and McLaughlin, and was told that this was not how the money was to be used. Councilman A. A. "Joe" Savilla said it was his understanding that the money was initially to have gone to the Nitro Firemen's Association but was given to the city instead. He said he was not sure that this was a proper use of the money. He asked if there was an alternative. Recorder Rita Cox asked about the possibility of budget cuts. COUNCILMAN DAVE CASEBOLT MOVED THAT THE MONEY BE USED TO PAY THE OUTSTANDING DEBT ON THE FIRETRUCK AND THE DODGE DAKOTA WITH A SECOND BY COUNCILMAN BILL JAVINS. Councilman Craig Matthews said he was concerned that the lawyers from the tire fire could request a refund of the money if it is not used as spelled out in the agreement. Richie Robb said he would like to see the court order that was made at the time of the settlement. Councilman Bob Fields reminded Council of the \$100,000.00 that had been set aside. John Young said that \$60,000.00 has been committed for Streetscape which left \$40,000.00 that could be used. Mayor Rusty Casto requested that Richie Robb be given time to look over the court order and report back at the next meeting. John Young said he could wait until next meeting to have a decision from Council. COUNCILMAN DAVE CASEBOLT MOVED THAT THE MOTION BE TABLED WITH A SECOND FROM COUNCILMAN A. A. "JOE" SA VILLA. VOTE WAS UNANIMOUS FOR THE MOTION.

#### COUNCIL COMMENTS:

MAYOR CASTO MOVED THAT HARRY MILLER BE REAPPOINTED TO THE KANAWHA COUNTY EMERGENCY AMBULANCE AUTHORITY WITH A SECOND BY COUNCILMAN JIM MCKAY. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO CARRY.

Mayor Rusty Casto said that the city would host Chris Fletcher of the Morgantown Planning Commission on February 23 from 5:00 pm to 8:00 pm. Ronnie King said the event would be held in the Senior Center Room at the Nitro Community Center and other Planning Commissions from the County area were invited to attend. Mark Felton of the Regional Intergovernmental Council will be the area coordinator for the event.

Mayor Rusty Casto announced that he would be cutting the ribbon for the opening of the new Buffalo Wild Wings Restaurant at Nitro Marketplace on Saturday, February 6 at 4:00 pm,

Councilman Bill Javins thanked Councilman Jim McKay and John Montgomery for the work they did on the Convention and Visitor Bureau By-Laws.

Councilman Craig Matthews said that St. Francis Hospital has requested to come back to the Nitro Park area for the employee picnic again this year.

Councilman Dave Casebolt suggested that a Proclamation be done for Mary Trout acknowledging all the work she has done for the city as Councilwoman, NDA member and president, library board and all the other work she has done. He suggested she be made Citizen of the Month.

**PUBLIC COMMENTS:**

John Montgomery said the Ordinance Committee would meet at 7:00 pm on Thursday, February 4 in Council Chambers.

Councilman Bill Javins said the Convention and Visitors Bureau Committee would meet at 6:00 pm on Thursday, February 4 in Council Chambers.

Melody McCormick announced that there would be Special Olympics Bowling at Town and Country Bowling alley on March 13 at 11:45 am. This is the fifth year that it has been held there and she said Tim Allen of Town and Country has always been very cooperative and supportive.

**ADJOURNMENT:**

**COUNCILMAN JIM MCKAY MOVED THE MEETING BE ADJOURNED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.**

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RUSTY CASTO, MAYOR

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RITA COX, RECORDER