

NITRO CITY COUNCIL  
MEETING MINTUTES  
TUESDA Y, MARCH 2, 2010

CALL TO ORDER: Mayor Rusty Casto called the meeting to order at 7:00 p.m. Attending along with Mayor Casto were Recorder Rita Cox, Ward 1 Councilman A. A. "Joe" Savilla, Ward 2 Councilman Bill Racer, Ward 3 Councilman Craig Matthews, Ward 4 Councilman Bill Javins, Councilmen at Large Jim McKay, Dave Casebolt, and Bob Fields.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given By Councilman Savilla and the Pledge of Allegiance was led by Councilman Fields.

FUTURE DATES OF COUNCIL: Mayor Casto reported that the future dates of Council are March 16, 2010, April 6, 2010, April 20, 2010, May 4, 2010, and May 18, 2010.

APPROVAL OF COUNCIL MINUTES: COUNCILMAN FIELDS MOVED THE MINUTES OF FEBRUARY 16, 2010 BE APPROVED AS WRITTEN. COUNCILMAN SAVILLA SECONDED THE MOTION AND COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO PASS.

OLD BUSINESS:

PUBLIC HEARING AMENDED PLANNING AND ZONING ORDINANCE: Richie Robb read the title of the Amended Planning and Zoning Ordinance: An ordinance to amend and reenact Sections 1306.1(d) and 1306.2(c), Chapter 1306 of the Codified Ordinances of the City of Nitro, West Virginia, as amended: and to amend and reenact Section 1311.2(b), Chapter 1311 of said Codified Ordinances, all relating to the licensing of gambling establishments. He said the pertinent changes to the ordinance would make a two week period to allow existing businesses to become video lottery businesses and following the two week time frame the distance between video lottery businesses and schools, playground, churches, places of worship, libraries, community centers, and other video lottery businesses will be 6000 feet. Mayor Casto asked if this two week window would be door to door and John Montgomery said that referred to 1306.1(D)(1) and 1311.2(B)(3). COUNCILMAN RACER MOVED THE AMENDED PLANNING AND ZONING ORDINANCE BE MOVED TO THE FLOOR FOR DISCUSSION WITH A SECOND BY COUNCILMAN JAVINS. Councilman Savilla said he had no problem with making the distance 6000 feet but he did not understand why the two week window was needed. Councilman Casebolt said that it affected Wendy's, McDonalds, Checkers, Ginos and Castaways. Councilman Racer said businesses such as FasChek were going out of business and this was a way to help a business. Councilman Savilla said it was a loophole to help a business. Councilman Matthews had a question about Castaways and whether it was defined as a bar or restaurant. Recorder Cox said she could not answer that without seeing the license application. Recorder Cox said her concern is that once video lottery is added to that location, the city can not prevent it from changing owners and remaining there. She said she had been approached by a business person who was interested in having the laws adjusted for them so they could add video lottery. Councilman Javins said that since Council supported Tri-state they should support a smaller business. Councilman Savilla said that the City of Nitro did not support the table games, that was supported outside the city by Kanawha County. Councilman McKay asked if someone can come back and sue the city over this ordinance. Richie Robb said an elected official can not customarily be sued for public decisions. Councilman McKay asked Recorder Cox about the application she had received. Recorder Cox said she did not receive an application, but she had been approached by someone who wanted to see about adding video lottery within the current distance and if there could be special laws written for them. COUNCILMAN BILL RACER MOVED THE AMENDED PLANNING AND ZONING ORDINANCE BE PASSED AS WRITTEN WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTING FOR THE MOTION WERE COUNCILMEN RACER, CASEBOLT, MCKAY, MATTHEWS AND JAVINS. VOTING A GAINST THE MOTION WERE COUNCILMEN SAVILLA AND FIELDS AND RECORDER COX. THE MOTION CARRIED.

SECOND READING CONVENTION AND VISITORS BUREAU BYLAWS: COUNCILMAN BILL JAVINS MOVED THE BYLAWS FOR THE CONVENTION AND VISITORS BUREAU BE PASSED

AS PRESENTED WITH A SECOND BY COUNCILMAN JIM MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS: Mayor Rusty Casto said that he is appointing members of Council to serve currently as the CVB Board of Directors. COUNCILMAN SAVILLA MOVED THE MEMBERS OF COUNCIL SERVE AS BOARD OF DIRECTORS FOR THE CONVENTION AND VISITORS BUREAU WITH A SECOND BY COUNCILMAN MATTHEWS. Councilman Matthews said he and Councilman Savilla have a meeting with Putnam County Sheriff to discuss the current arrangement with the current tax money for the motel located in Nitro in Putnam County. Councilman Javins said the CVB Committee met and agreed to come back with the same recommendations for the Board of Directors. Councilman Casebolt asked what qualifications should be considered to be on the board. He said that he thought this was one of the most important things that this Council will do. He said a years worth of work has gone into the planning and he thinks professional business people should be on the board. Councilman Savilla said that our system is a strong mayor/weak council and this should be the Mayor's choice. Mayor Casto asked members of Council to send recommendations to him for the Convention and Visitors Bureau. VOTE WAS UNANIMOUS FOR THE MOTION.

BUDGET REVISIONS: John Young presented Council with the budget revisions with revenue revisions being a \$20,000.00 grant from Kanawha County making an increase from \$38,000.00 to \$58,000.00 and the other adjustment in the receipts the sale of fixed assets being the police cars at \$6,672.00 which makes the revised amount \$44,672.00. The expenditure revisions are salaries in building department approved at \$27,541.00 and increased to \$40,092.00 making the revised amount \$67,633.00; salaries in city hall approved at \$64,505.00 and increased to \$40,092.00 making the revised amount \$75,355.00; department supplies for police approved at \$42,000.00 and increase by \$38,000.00 making the approved amount \$80,000.00; capital outlay police approved at \$123,200.00 with a decrease of \$47,089 making the revised amount \$76,111.00; and department supplies mayor approved at \$1000.00 with a increase of \$2819.00 with the revised amount being \$3819.00. COUNCILMAN SAVILLA MOVED COUNCIL APPROVE THE REVISIONS IN THE FORM OF A RESOLUTION. THE MOTION WAS SECONDED BY COUNCILMAN FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

ATTORNEY REPORT: Richie Robb said he had no report prepared but he would answer any questions from Council.

TREASURER REPORT: John Young said that b & o revenues are moving back up. He told Council they are required to have two budget meetings. COUNCILMAN SAVILLA MOVED COUNCIL MEET MONDAY, MARCH 8, 2010 AT 7:00 PM IN COUNCIL CHAMBERS FOR BUDGET MEETING WITH A SECOND BY COUNCILMAN CASEBOLT. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

COUNCIL COMMENTS:

Mayor Rusty Casto told Council that on Tuesday, March 10, 10% of the gross from 5:00 to 8:00 pm at Wendy's restaurant will be donated to Shelly Hodges' trip to Haiti. He said he would attend a KRT meeting on Wednesday morning.

Councilman Bill Javins said the boat dock was on track.

Councilman Craig Matthews said that the revenue still seemed to be holding on the fiscal year 2009-2010 but we do not want to spend more than we make.

Councilman A. A. "Joe" Savilla said the Police and Fire Committee had met and Dennis Boggs and John Cox have been appointed to the committee. He said that he has some questions of the Treasurer about the budgets for these departments.

Councilman Dave Casebolt said streetscape was being held up on the Federal level. He said there was a Business Enhancement meeting tomorrow at 9:00 am at Mt. State Café. On March 10 Mike Gioulis, a consultant on historic preservation, will meet in Council Chambers at 9:00 am. COUNCILMAN CASEBOLT MOVED THAT COUNCIL VOTE TO SHOW SUPPORT FOR TREASURER JOHN YOUNG BECAUSE OF THE FIDUCIARY RESPONSIBILITY COUNCIL AND TREASURER HAVE TO THE CITIZENS OF NITRO. COUNCILMAN MCKAY SECONDED THE MOTION. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilman Jim McKay said he should have a financial report on the Nitro Development Authority by the next Council meeting .

**PUBLIC COMMENT:**

Wayne Fleishman said the Antique Car Show will be held the second weekend in June. He said this event brings in a lot of people to Nitro, and this will be the 6<sup>th</sup> Annual Antique Show and Antique Car Show.

John Montgomery announced the Ordinance Committee would not be meeting this week.

Larry Angel asked what the criteria was for the Convention and Visitor Bureau Board of Directors.

COUNCILMAN A. A. "JOE" SA VILLA MOVED COUNCIL GO TO EXECUTIVE SESSION WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

Council reconvened following Executive Session.

COUNCILMAN CRAIG MATTHEWS MOVED THE MEETING BE ADJOURNED WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

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RUSTY CASTO, MAYOR

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RITA COX, RECORDER