

NITRO CITY COUNCIL  
MEETING MINUTES  
TUESDAY, AUGUST 16, 2011

CALL TO ORDER: Mayor Rusty Casto called the meeting to order at 7:00 pm in Council Chambers. In attendance 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 Bob Field and Jim McKay, City Attorney Richie Robb and City Treasurer John Young. Councilman at Large Dave Casebolt was absent.

INVOCATION/PLEDGE OF ALLEGIANCE: Councilman Jim McKay gave the Invocation and the Pledge of Allegiance was led by Bob Schamber.

FUTURE DATES OF COUNCIL: Mayor Casto said the future dates of Council are September 6 and 20 and October 4 and 18.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE JULY 19 AND AUGUST 2 MEETINGS OF COUNCIL BE APPROVED. THE MOTION WAS SECONDED BY COUNCILMAN CRAIG MATTHEWS. Councilman Jim McKay requested the minutes of August 2 be changed to say Nitro Museum Society/Historical Society Board of Directors instead of Nitro Development Authority referring to a statement read into the minutes by Councilman Dave Casebolt in support of a new facility next to the Library to house the museum. Recorder Cox said she would make the correction. VOTE WAS UNANIMOUS FOR THE MOTION.

OLD BUSINESS

STREETSCAPE BIDS: Recorder Rita Cox said the Committee appointed by Council met on August 9 at 1:00 pm in City Hall to open bids submitted for the Streetscape project. Three bids were submitted: McClanahan Construction at \$536,603.00; Wolf Creek Construction at \$368,599.16; Young Builders at \$556,475.43. Recorder Cox said the Committee selected the bid by Wolf Creek and under the terms of the bid process, the city is able to negotiate on aspects of the bid. After negotiations the amount was reduced to \$345,114.00. Todd Schoolcraft of Baker Engineering said the cost could be reduced even further with the City of Nitro doing certain projects and buying some items for the Streetscape of Bank Street. Recorder Rita Cox said the amount is \$45,114.00 over the amount committed originally, \$240,000.00 from the Department of Highways and \$60,000.00 from the City of Nitro. John Young said that half of the overage could be committed from the Hotel Motel tax and Leonard Womble said the other half of the overage could come from the CVB budget. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE CITY OF NITRO ACCEPT THE BID OF WOLF CREEK CONTRACTING AT \$345,114.00 WITH THE AMOUNT OVER THE \$300,000.00 COMMITTED BY DOH AND CITY OF NITRO COMING FROM THE HOTEL MOTEL TAX AND THE CVB. THE MOTION HAD A SECOND BY COUNCILMAN BILL RACER. Todd Schoolcraft said that at the time of demolition the City has committed to carrying off the debris. Recorder Cox said that it was important during the project to maintain access to businesses affected by the work.

TRACK LOADER BID/PUBLIC WORKS: Recorder Rita Cox said there were five bids received on the Track Loader/pallet forks to be purchased for Public Works and she had opened the bids on August 15 with A. J. Hill and Ron King. The bids were one from Walker for a Cat 259B3 track loader with pallet forks at \$42,637.00; MH JCB New Generation JCB 225 Track Loader and pallet forks at \$46,382.53; and from

State Equipment a Kubota SVL 75 Compact Track Loader plus pallet forks at \$44,362.00, a Case TR270 Track Loader plus pallet forks at \$42,372.00 and a Case TV380 Compact Track Loader with pallet forks at \$50,064.00. A. J. Hill said that his preference was the Kubota based on the size and past experience with that brand. Councilman Savilla asked if there was enough money in the city budget to get it and John Young said there was. COUNCILMAN JIM MCKAY MOVED THE BID FOR THE KUBOTA SVL 75 COMPACT TRACK LOADER AND PALLET FORKS FOR \$44,362.00 BE ACCEPTED WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

SANITARY BOARD APPOINTMENTS: Mayor Casto said he would like to reappoint the following to the Nitro Sanitary Board: Kim Painter for one year expiring in 2012, Rich Hively for two years expiring in 2013, and Harry Miller for three years expiring in 2014. RECORDER RITA COX MOVED COUNCIL APPROVE MAYOR CASTO'S CHOICE FOR NITRO SANITARY BOARD APPOINTMENTS: KIM PAINTER, ONE YEAR EXPIRING 2012, RICH HIVELY TWO YEARS EXPIRING 2013, HARRY MILLER THREE YEARS EXPIRING 2014. COUNCILMAN JIM MCKAY SECONDED THE MOTION AND VOTE WAS UNANIMOUS FOR THE MOTION.

POLICE AND FIRE COMMITTEE REPORT: Councilman Savilla said the Police and Fire Committee met on August 2 with Councilman Craig Matthews and Councilman Bill Racer present along with Councilman Savilla. Upon the recommendation of Chief Jack Jordan the Committee heard information about the use of a Ford F150 four door truck to use with the new police dog. COUNCILMAN SAVILLA MOVED COUNCIL APPROVE THE PURCHASE OF A FORD F150 FOUR DOOR TRUCK FOR \$30,000.00 FOR THE NEW POLICE DOG WITH A SECOND BY COUNCILMAN FIELDS. Councilman McKay asked who the handler would be and Councilman Savilla said that it would be Nitro Policeman Eric Whitney. Councilman McKay asked if overtime will be required. Nitro Policeman Richard Foster said that Lt. Brian Oxley has reworked shifts so that won't be a problem. He said that the dog is not sent out of town unless requested by Nitro Policemen working on other details such as the Metro Drug Unit or Kanawha Valley Detective Unit. Councilman McKay questioned whether a city the size of Nitro needs two dogs and referred to an incident where the current dog mauled another dog. Councilman Matthews asked about the extra car that purchasing the truck will cause the city to have. Richard Foster said that one new police car is having problems so that it's out of commission quite a bit. VOTING FOR THE MOTION WERE RECORDER COX, COUNCILMAN FIELDS, COUNCILMAN SAVILLA, COUNCILMAN RACER AND COUNCILMAN MATTHEWS. VOTING IN OPPOSITION TO THE MOTION WERE COUNCILMAN MCKAY AND COUNCILMAN JAVINS. THE MOTION CARRIED.

Councilman Savilla said the Fire Department portion of the Committee meeting dealt with the memorandum of understanding being worked out between the city and the fire department. The memorandum is next going to attorneys and then should be ready for the next meeting of Council. Councilman Matthews said that Policies and Procedures and a clear overtime policy for the Fire Department are necessary so that operations are known to everyone.

Council McKay asked if the overtime as addressed by the WV Auditor was looked at in the Police and Fire Committee meeting. Councilman Matthews said overtime and how it is handled is one of the things the WV Auditor's office has questioned the city on and that time clocks might be a way to take care of that problem.

John Young said that it would help Mary Beth Burt prepare payroll if time cards are turned in weekly so he requested that Department Heads start doing that.

COUNCILMAN MCKAY MOVED THE CITY OF NITRO SEEK BIDS ON BIOMETRIC TIME CLOCKS AND DEVELOP A POLICY ON USE OF TIME CLOCKS AND HOW TIME IS CALCULATED, AND THAT WHOEVER IS IN CHARGE ON A SHIFT IS RESPONSIBLE FOR ANY DAMAGES THAT OCCUR TO CITY PROPERTY DURING THAT SHIFT, AND ESTABLISH A POLICY THAT NO EMPLOYEE CAN WORK FROM HOME. THE MOTION WAS SECONDED BY COUNCILMAN RACER. VOTING FOR THE MOTION WERE COUNCILMEN MCKAY, MATTHEWS, SAVILLA, JAVINS, AND RACER AND RECORDER COX. VOTING AGAINST THE MOTION WAS COUNCILMAN FIELDS. THE MOTION CARRIED.

#### NEW BUSINESS

RESOLUTION VENDOR AGREEMENTS AND LIABILITY COVERAGE: CVB President Leonard Womble said he is working on supplying vendor stations for outdoor events. He asked Council to decide where electrical power is to be and to find funds to put power in to host outdoor events. COUNCILMAN MCKAY MOVED THAT CVB PRESIDENT LEONARD WOMBLE BE GIVEN PERMISSION TO WORK WITH CITY ATTORNEY RICHIE ROBB AND JOHN MONTGOMERY TO EVALUATE INSURANCE COVERAGE AND PERMANENT STATIONS ON BANK STREET FOR ELECTRICITY FOR VENDORS FOR FUTURE OUTDOOR ACTIVITIES. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

ATTORNEY REPORT: Richie Robb said he was prepared to answer any questions from Council.

TREASURER REPORT: John Young said the audit exit interview was attended by Mayor Casto, Recorder Cox, and Councilmen McKay, Matthews and Javins as well as several City of Nitro employees and members of the press. He said the audit grade was a B+ and the city received a qualified opinion due to the values on city property not being done properly. He said one of the findings was a problem with the Police Benefit Fund. Mayor Casto said that the police were going to bring all the funds to Mr. Young's office on Monday morning and put them on his desk. Councilman McKay said that the Police Benefit Fund had \$58,484.74 of unauthorized expenses and he did not think it was fair to put that on Mr. Young. He asked how many accounts were in the police name. Mr. Foster said that a computer had crashed and all the information was lost so that account could not be accounted for. COUNCILMAN MCKAY MOVED THAT AN EXTERNAL INDEPENDENT INVESTIGATION BE DONE UNDER THE SUPERVISION OF THE CITY ATTORNEY ON ALL POLICE ACCOUNTS UNDER THE POLICE FUND FROM JULY 1, 2007 THROUGH JUNE 30, 2011. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. Councilman Matthews said he thought the Police Benefit Fund at one time was used for the Halloween Hoedown. Councilman McKay said that was true but even before the hard drive of the Police Department computer crashed, Council had received notice from the WV Auditor in management letters that the Nitro Police Department was unable to provide source documents and invoices for the police fund which amounted to two warnings to Council and now a finding. He said that the amount of \$58,484.74 in one year was too much to be ignored. Councilman McKay called for a roll call vote. MCKAY VOTED FOR THE MOTION, COUNCILMAN FIELDS DECLINED, RECORDER COX VOTED FOR THE MOTION, COUNCILMAN SAVILLA VOTED FOR THE MOTION, COUNCILMAN RACER VOTED FOR THE MOTION, COUNCILMAN MATTHEWS VOTED FOR THE MOTION, AND COUNCILMAN JAVINS VOTED FOR THE MOTION. THE MOTION CARRIED.

#### COUNCIL COMMENT

Mayor Casto said that as of Monday morning City Treasurer John Young would have those police accounts on his desk and Mayor Casto stated that his name was not on the accounts. He said that work on the roof on City Hall had started today. He said he and Rich Hively are starting a Nitro History Club.

Councilman Javins said that he would like to hold off on a ribbon cutting at the Smith St. Boat Launch until there is a meeting with Bret Preston of the DNR. COUNCILMAN JAVINS MOVED \$2000.00 OF THE HOTEL MOTEL TAX MONEY BE GIVEN TO THE NITRO-CROSS LANES MIDGET FOOTBALL LEAGUE TO BUY UNIFORMS WITH A SECOND BY COUNCILMAN MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION. Councilman Javins said there are property maintenance issues in town and he knew that Ron King is busy and he would recommend that Sandy Saunders do property maintenance. COUNCILMAN JAVINS MOVED SANDY SAUNDERS DO PROPERTY MAINTENANCE IN THE CITY OF NITRO FOR TWO DAYS A WEEK WITH A SECOND BY COUNCILMAN MATTHEWS. Mayor Casto asked if she could do that and Ron King said that she is certified in property maintenance. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilman Matthews said there is a Parks and Recreation Committee meeting at 1:30 pm August 18 in Council Chambers. Among the things to be discussed are the Little League plans for the Senior League field.

Councilman Savilla wished Bob Schamber a happy birthday.

Councilman Fields said that there is a 6:00 pm service, September 11 at the Charleston Civic Center with a large choir.

COUNCILMAN MCKAY MOVED THE AUGUST 2 NITRO DEVELOPMENT AUTHORITY MEETING APPOINTMENT OF BOARD OF DIRECTORS BE MADE OF PART OF THE MINUTES WITH A SECOND BY COUNCILMAN FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION. Councilman McKay said the computer that crashed that belonged to the Nitro Police Department should be looked at as part of the investigation of the Police Benefit Fund.

#### PUBLIC COMMENT

Bob Schamber said that in Senior Center news these is a western dance planned for on August 20, a dinner on August 27 and an indoor yard sale on September 10.

John Montgomery said the Ordinance Committee will meet on August 18 in the NDA Boardroom at 7:00 pm.

Leonard Womble suggested the Nitro Police Dept. have backup software for the computer.

COUNCILMAN MCKAY ON THE ADVICE OF ATTORNEY RICHIE ROBB MOVED COUNCIL GO INTO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION.

Executive Session 8:00 pm

Executive Session concluded, Council resumes 8:15 pm

ADJOURNMENT: COUNCILMAN SAVILLA MOVED COUNCIL BE ADJOURNED WITH A SECOND BY COUNCILMAN JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

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RUSTY CASTO, MAYOR

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RITA COX, RECORDER