

NITRO CITY COUNCIL  
MEETING MINUTES  
TUESDAY, SEPTEMBER 6, 2011

CALL TO ORDER: Mayor Rusty Casto called the meeting to order at 7:00 pm in Council Chambers. Attending 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 Dave Casebolt, Jim McKay and Bob Fields, City Attorney Richie Robb and City Treasurer John Young.

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

FUTURE DATES OF COUNCIL: Mayor Casto said the future dates of Council are September 20 and October 18 with the first meeting in October to be determined. October 4 is the date of the WV special election for Governor.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE AUGUST 16, 2011 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILMAN BOB FIELDS. VOTING FOR THE MOTION WERE COUNCILMEN MCKAY, FIELDS, SAVILLA, RACER, MATTHEWS AND JAVINS AND RECORDER COX. COUNCILMAN CASEBOLT ABSTAINED. THE MOTION CARRIED.

SARA JANE BRAGG (FAMILY OF JOHN JANEY): Mayor Casto said that Sara Jane Bragg was ill and was unable to attend the meeting.

PROPOSAL OF JOE HIGGINBOTHAM CONCERNING BAIT AND TACKLE AT RIDENOUR LAKE ANDE ROBERT C. BYRD BOAT LAUNCH: Joe Higginbotham requested permission to put a bait shop at Ridenour Lake. COUNCILMAN SAVILLA MOVED RICHIE ROBB CHECK THE LEGALITY OF THE ENDEAVOR WITH A SECOND BY RECORDER COX. VOTE WAS UNANIMOUS FOR THE MOTION.

#### OLD BUSINESS

ROBERT C. BYRD BOAT LAUNCH REPORT: Mayor Casto said that he along with several other people had met last Friday with Bret Preston of the DNR to finalize the boat launch. There are approximately 50 slots for vehicles and trailers. Councilman Fields asked if the lights were to be added and Mayor Casto said they were. Leonard Womble said the CVB has agreed to underwrite the ribbon cutting ceremony.

LIBRARY BUDGET INCREASE REQUEST: John Young said that the Library needed several repairs done and needed a budget increase. He said there are roof problems and a window leaks. Councilman Savilla said for Mr. Young to get some estimates for the work and get back to Council at a later date.

FIRE DEPARTMENT BIDS/THERMAL IMAGER AND ACCESSORIES AND SPREADER, CUTTER AND EXTENSION HOSES: Recorder Cox said that the invitation to bid had been run on the items and since they are so specific only one bid had been received on each item and she said John Young said he wanted Council to see the items. Councilman McKay said he would like to see a list of items and their cost to outfit the new fire truck. John Young said there is approximately \$70,000.00 left in the tire fire fund. Nitro Firefight Robert Ely said the items have to meet NFPA standards. Councilman Casebolt

requested the Fire Department report at the next meeting what will be needed to outfit the new fire truck.

**POLICE FUNDS REPORT:** Mayor Casto said that he understood Richie Robb was going to enlist a CPA firm to go to People's Federal Credit Union to go over the records of the Police Fund that the WV Auditor said did not have proper documentation. Richie Robb said he contacted 10 accounting or bookkeeping firms to consider looking at the police accounts which he understood there were seven. At the next Council meeting he will have a proposal. Councilman McKay said the WV Auditor is a CPA. He said that he did not think a CPA was needed but that the accounts need to be reconciled and then given to an examiner to follow the funds from where they originated to where they finally ended up. He said the way to find the authorized purpose of the checks is to follow the statements and checks. Mr. Robb said the essence of the problem is there is a lack of source documentation for the Police Funds Account. Mayor Casto addressed Captain Javins of the Nitro Police Department who explained that the majority of the money handled in that account was payment from WV Paving, Norfolk and Southern Railroad and Kemron for work by Nitro Policemen while off duty from the city. He said for each hour worked the city was paid \$5.00 for wear and tear on vehicles and for fuel. Councilman McKay asked if the cancelled checks and statements were offered to the WV Auditor when they were present. Captain Javins said they were not requested. Councilman McKay said that Council will receive a letter from the Kanawha County Prosecutor involving the account and he would like to be able to answer their questions. Captain Javins said he thinks when the account information is made public it will answer the questions. Mr. Young said he was aware of the payments to be made from WV Paving in the spring of 2009. Recorder Cox asked if the same agreement was made with Norfolk and Southern and Kemron. Captain Javins said it was for different amounts. Recorder Cox said that this work was moonlighting and not work done for the city. Captain Javins said that was true. Councilman McKay stated that he did not say the money was stolen but referred to the report from the WV Auditor. Councilman Casebolt said he thought the checking accounts are to be turned over to the City Treasurer. Chief Jack Jordan said the checkbooks are evidence in an ongoing investigation by the FBI and they are in the evidence room of the Nitro Police Department. Captain Javins said the FBI will do an investigation along with the investigation done by the City and that they are waiting for the September 14 deadline set by Richie Robb. Richie Robb said he could not report on what the FBI was doing and could only report at the next Council meeting on the accounting firms and the proposals they have made concerning the accounts. **COUNCILMAN SAVILLA MOVED THAT COUNCIL PAY FOR THE COPIES OF CHECKS AND STATEMENT OF THE POLICE FUNDS ACCOUNT AT PEOPLE'S CREDIT UNION WITH A SECOND BY RECORDER COX. VOTE WAS UNANIMOUS FOR THE MOTION.**

**FIRST READING REVISED PROPERTY MAINTENANCE ORDINANCE:** Richie Robb presented the revised property maintenance ordinance to members of Council. **COUNCILMAN MCKAY MOVED THE REVISED PROPERTY MAINTENANCE ORDINANCE BE READ BY TITLE ONLY WITH A SECOND BY COUNCILMAN MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.** Richie Robb read the title: An Ordinance to Amend Sections 1801.3, 1801.6 and 1807 of the Codified Ordinances of the City of Nitro, West Virginia, all relating to the Property Maintenance Ordinance; the amount of the property maintenance fee; the amount of the penalty for violating the Property Maintenance Ordinance; and the notice to be given when the Property Maintenance Ordinance is found to be violated. **COUNCILMAN MATTHEWS MOVED THE REVISED PROPERTY MAINTENANCE ORDINANCE BE PASSED ON FIRST READING BY TITLE ONLY WITH A SECOND BY COUNCILMAN MCKAY.** John Montgomery said the purpose of the revision was to shorten the time frame for acting on code violations. Recorder Cox said that the Code Enforcer has repeat offenders on property maintenance violations and these repeat offenders often know how much time they have and take advantage of the system. **VOTE WAS UNANIMOUS FOR THE MOTION.**

SENIOR VAN BID/KING'S WAY CHURCH: Recorder Rita Cox said that the city had received a bid from King's Way Church for \$2500.00 for the 1999 Ford Bus Van. COUNCILMAN CASEBOLT MOVED THE 1999 FORD VAN BUS BE SOLD TO KING'S WAY CHURCH FOR \$2500.00. THE MOTION WAS SECONDED BY COUNCILMAN MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

#### NEW BUSINESS

FIRE DEPARTMENT INQUIRY: Councilman McKay said that Council had recently received a packet of information concerning the Fire Department and no action has been taken. He suggested a committee be formed consisting of Richie Robb, Rita Cox, and Chaired by Craig Matthews to do an informal inquiry. Chief Jordan said under Chapter 8 of WV Code a letter must be sent stating that there is an investigation. Councilman Savilla said he saw the packet of information and a meeting was held to discuss it. Councilman Matthews said that it had been six weeks when Council first became aware of the situation in the Fire Department and nothing has been done. He said that it starts with the chief but the mayor has the ultimate authority. COUNCILMAN CASEBOLT MOVED COUNCIL GO INTO EXECUTIVE SESSION TO DISCUSS AN EMPLOYEE. THE MOTION WAS SECONDED BY COUNCILMAN MCKAY. VOTING FOR THE MOTION WERE COUNCILMEN MCKAY, CASEBOLT, SAVILLA, RACER, MATTHEWS, AND JAVINS AND RECORDER COX. VOTING AGAINST THE MOTION WAS COUNCILMAN FIELDS. THE MOTION CARRIED.

EXECUTIVE SESSION: 8:05 pm

COUNCIL MEETING RESUMES: 8:25 pm

COUNCILMAN MCKAY MOVED A COMMITTEE BE FORMED CONSISTING OF COUNCILMAN CRAIG MATTHEWS AS CHAIRMAN, RICHIE ROBB AND RECORDER RITA COX TO HAVE AN INFORMAL INQUIRY OF THE NITRO FIRE DEPARTMENT CONSISTING OF BUT NOT LIMITED TO ABUSIVE TREATMENT WITHIN, BULLYING AND HARRASSMENT RESULTING IN A HOSTILE WORK ENVIRONMENT, ABSENTISM (EXCUSED AND UNEXCUSED) AND THE COMPENSATION THEREOF, DESTRUCTION OF CITY PROPERTY WHETHER WILLFUL OR UNWILLFUL, DOCUMENTATION OF TIME WORKED AND STEPUP PAY, USE OF THE FIRE CHIEF'S VEHICLE WHILE HE WAS ON VACATION BY UNAUTHORIZED PERSONNEL AND IF WARRANTED TO TAKE ACTION IN THERE ARE FINDINGS OF NONCOMPLIANCE. THE MOTION WAS SECONDED BY COUNCILMAN CASEBOLT. VOTING FOR THE MOTION WAS COUNCILMEN MCKAY, CASEBOLT, SAVILLA, RACER, JAVINS, AND MATTHEWS AND RECORDER COX. VOTING AGAINST THE MOTION WAS COUNCILMAN FIELDS. THE MOTION CARRIED.

2012 CALENDAR BIDS: COUNCILMAN MCKAY MOVED THE 2012 BE ADVERTISED FOR BID. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

HALLOWEEN DATE: COUNCILMAN MCKAY MOVED COUNCIL ACCEPT FOR THE CITY OF NITRO THE DATE CHOSEN BY THE CITY OF CHARLESTON AND KANAWHA COUNTY FOR THE RECOGNITION OF HALLOWEEN AND TRICK OR TREAT. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION.

ATTORNEY REPORT: Richie Robb said he had no formal report but was prepared to answer questions from Council.

TREASURER REPORT: John Young said that he was going to pay WV Paving in three installments as approved by them. He said that the Nitro Policemen want to purchase laser grips for their guns which have a cost of \$170.85 each. Since the city contract enables them to purchase at a better price, they will then reimburse the city. COUNCILMAN SAVILLA MOVED THE CITY PURCHASE THE LASER GRIPS THROUGH THE CITY WITH THE POLICEMEN REIMBURSING FOR THE COST OF \$170.85. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION.

#### COUNCIL COMMENT

Councilman Javins said he is happy the boat ramp is complete and already being used. COUNCILMAN JAVINS MOVED THE MINUTES OF THE AUGUST MEETING OF THE CVB BE MADE A PART OF THE MINUTES. VOTE WAS UNANIMOUS FOR THE MOTION.

COUNCILMAN JAVINS MOVED THE YEARLY FINANCIAL STATEMENT OF THE CVB BE MADE A PART OF THE MINUTES WITH A SECOND BY COUNCILMAN SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilman Matthews said that his Mother will continue to be in the hospital for a while.

Councilman Savilla said Nitro Policeman Clark Green recently was called on to help a family in need to get to Pt. Pleasant. Councilman Savilla said he was impressed by Clark Green's professionalism and manners.

Recorder Cox said the Antique Car Show is this weekend.

Councilman Fields said he wanted to compliment the Police Department. He reminded everyone of the 9/11 Remembrance on Sunday morning at 8 and Sunday evening at 6 at the Charleston Civic Center.

Councilman McKay said he wanted to apologize to the Nitro Police Department if they thought he had accused them of stealing. He said that was not what he intended and he was reacting to the WV Auditor's report. He said that his son had picked up the mail recently and included was gay pornography that had been sent to him in the name of Councilman Jim McKay and a magazine for James Puppet McKay. Councilman Matthews said he had received a gay pornography magazine and had been billed for it. Councilman McKay said if it was sent to deter him from his work on Council it did not do that. He said it actually woke him up.

#### PUBLIC COMMENT

Bob Schamber said there is an Indoor Yard Sale Saturday at the Senior Center, a dance on the 17<sup>th</sup> and a dinner on the 24<sup>th</sup> from 3 to 5. He said the boat launch looks great.

John Montgomery said the Ordinance Committee is meeting at 7:00 pm, September 8 in the NDA Boardroom.

Herschel Facemyre presented information on discount prescription cards.

Captain Javins said the magazines being sent was disturbing and may be criminal.

Margie Faulknier said the magazines being sent was disturbing and the citizens need to stand up.

Jamie Garnes reminded of the 9/11 ceremony at 6:00 pm at the Civic Center.

#### ADJOURNMENT

COUNCILMAN JIM MCKAY MOVED THE MEETING BE ADJOURNED AND THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

---

RUSTY CASTO, MAYOR

---

RITA COX, RECORDER