

NITRO CITY COUNCIL
MEETING MINUTES
TUESDAY, SEPTEMBER 20, 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 3 Councilman Craig Matthews, Ward 4 Councilman Bill Javins, Councilmen at Large Dave Casebolt and Jim McKay, and City Attorney Richie Robb. Absent were Ward 1 Councilman A. A. "Joe" Savilla, Ward 2 Councilman Bill Racer, Councilman at Large Bob Fields and City Treasurer John Young.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilman Jim McKay and the Pledge of Allegiance was led by Councilman Dave Casebolt.

FUTURE DATES OF COUNCIL: Mayor Casto said that Council would meet as scheduled on October 4 and October 18 and November 1 and 15.

APPROVAL OF COUNCIL MINUTES: RECORDER COX MOVED THE MINUTES OF THE SEPTEMBER 6, 2011 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILMAN JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

SARA JANEY BRAGG: Sara Bragg requested Council submit a Proclamation in support of the denial of parole to the person who killed her uncle John Janey. Councilman Matthews said Council voted earlier in the year to do that. Recorder Cox said she would prepare the Proclamation and mail it to her.

CITIZEN OF THE MONTH: Mayor Rusty Casto said the September Citizens of the Month are Caitlin and Carly Mathes for all the work they do at the pool, the movie nights and all the other events in Nitro.

SANDY ZANDO/THOMAS MEMORIAL HOSPITAL FOUNDATION: Sandy Zando spoke about the Thomas Memorial Hospital Foundation, the work they do in the area and Dr. George Hogshead. COUNCILMAN MCKAY MOVED COUNCIL DONATE \$1000.00 IN HONOR OF NITRO CITIZEN AND FORMER COUNCILMAN DR. GEORGE HOGSHEAD TO THE THOMAS MEMORIAL HOSPITAL FOUNDATION WITH A SECOND BY COUNCILMAN MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

OLD BUSINESS

STREETSCAPE UPDATE: Mayor Casto said there was a meeting on September 15 to finalize contracts for the Streetscape project on Bank Street with construction tentatively scheduled to begin October 3. He thanked all the participants and noted the work A. J. Hill has done and his advocacy for the business owners in the area where the work is to be done. Mayor Casto acknowledged Leonard Womble and the CVB for their help in contributing money to get the project fully funded.

PUBLIC HEARING PART EIGHTEEN – REVISED PROPERTY MAINTENANCE ORDINANCE 1801.3, 1806.6 AND 1807: COUNCILMAN MATTHEWS MOVED THE PUBLIC HEARING BE OPEN ON THE REVISED PROPERTY MAINTENANCE ORDINANCE 1801.3, 1806.6 AND 1807 WITH A SECOND BY RECORDER COX. VOTE WAS UNANIMOUS FOR THE MOTION. City Attorney Richie Robb read the title of the ordinance and John Montgomery said the revision was to address run down property and to shorten the time involved in addressing these properties and to increase the fines. He said that many of the property owners had

been able to draw out the time frame when these infractions are being addressed. Nitro Fireman Ron King said that anything that could be done to expedite the process would be appreciated. COUNCILMAN MATTHEWS MOVED THE PUBLIC HEARING BE CLOSED WITH A SECOND BY COUNCILMAN JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

SECOND READING PART EIGHTEEN – REVISED PROPERTY MAINTENANCE ORDINANCE 1801.3, 1801.6 AND 1807: COUNCILMAN CRAIG MATTHEWS MOVED COUNCIL ADOPT ON SECOND READING THE REVISED PROPERTY MAINTENANCE ORDINANCE 1801.3, 1801.6 AND 1807/PART EIGHTEEN WITH A SECOND BY COUNCILMAN JIM MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION.

NDA REPORT: COUNCILMAN JIM MCKAY MOVED THE AUGUST AND SEPTEMBER AGENDA AND MINUTES OF THE NITRO DEVELOPMENT AUTHORITY MEETINGS BE MADE A PART OF COUNCIL MINUTES WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

REPORT ON BAIT SHOP AT RIDENOUR LAKE: Richie Robb said he had been in touch with the WV Department of Environmental Protection concerning the request to put bait shop at Ridenour Lake and their main concern is that if it were installed it must be upstream of the dam. He hasn't gotten a response from the Soil Conservation District. He said that engineers would have to meet and determine a site. RECORDER COX MOVED IT BE REFERRED TO THE PARKS AND RECREATION COMMITTEE WITH A SECOND BY COUNCILMAN JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

POLICE FUNDS REPORT: Richie Robb said he had attempted to get bids for an independent examination of the police accounts. He has received two bids out of ten attempts on his part to get bids. He had evaluated submission and discussed with Captain Javins of the Nitro Police Department. Mr. Robb's recommendation is that Council pass a resolution passing the funds to the city attorney from July 1, 2007 to June 30, 2011 and the records from July 1, 2011 be passed to the City Treasurer. He said there are two main questions to be answered: where did the money come from in the police funds account and where did the money go. He recommended since Council voted to pay for the records at Peoples Federal Credit Union at approximately \$600.00 they should be kept in a secure location such as a safety deposit box at a local bank. He had discussed this with Captain Javins and some members of Council and he recommended city employee Mary Beth Burt research the funds and where they were spent. COUNCILMAN JIM MCKAY MOVED A RESOLUTION BE PASSED TRANSFERRING THE POLICE DEPARTMENT FUNDS FOR THE PERIOD JULY 1, 2007 TO JUNE 30, 2011 TO THE CITY ATTORNEY AND ALL RECORDS FROM JULY 1, 2011 TO THE PRESENT AND THE CITY TREASURER WILL ASSUME RESPONSIBILITY FOR THE OPERATION AND ADMINISTRATION OF THE FUNDS FROM JULY 1, 2011 AND FORWARD. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS. Councilman Matthews asked if the investigation would interfere with the FBI investigation and Richie Robb said he was told the city is to take the first step in the investigation. Richie Robb said the transfer of funds should be done as soon as it is practical.

COST OF OUTFITTING NEW FIRE TRUCK: Chief Hedrick said the new truck should be delivered this week. Nitro Fireman Mark Jarrett said he had submitted a list of equipment necessary to outfit truck 852 in July and the needs will be approximately the same. He said the items currently being discussed, the thermal imaging camera for \$9000.00 and the rescue tool for \$10,521.00 are part of that and then approximately \$44,000.00 more will be needed to outfit the new truck.

REPORT OF COMMITTEE DOING INFORMAL INQUIRY OF FIRE DEPARTMENT: Councilman Matthews gave a brief report on the committee appointed to do an informal inquiry into the Fire Department. He

said that by state code all the committee can do is look at the budget and things of that nature. He said that his understanding is that anything else would have to go through the chief and mayor. Richie Robb said he could find nothing about an informal inquiry. Recorder Cox said that her understanding of state code was that the committee could not do an inquiry without the mayor or fire chief putting it in a letter to notify the person who is being inquired about. She said that it is her understanding that Mayor Casto would have to put in a letter that there is to be a formal investigation. Chief Hedrick said that the complaint that was in question was given outside the chain of command and should have been given to him first. He said he did not know there was a problem. Councilman Matthews said that the Chief had not been here to receive the complaint. Chief Hedrick said that all the firemen knew how to get in touch with him. Councilman Casebolt said he thought that it was a problem that the complaint did not get to Chief Hedrick. Mayor Casto asked Chief Hedrick when he could meet with him in his office and Mayor Casto said they would meet and the mayor would report back to Council.

NEW BUSINESS

HOMEcomings/NITRO HIGH SCHOOL: RECORDER RITA COX MOVED NITRO HIGH SCHOOL BE PERMITTED TO PARADE ON OCTOBER 27 AT 6:00 PM FOR HOMEcomings WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

SALVATION ARMY: COUNCILMAN MATTHEWS MOVED THE SALVATION ARMY BE PERMITTED TO SET UP KETTLES AT WALMART DURING THE CHRISTMAS SEASON WITH A SECOND BY RECORDER COX. VOTE WAS UNANIMOUS FOR THE MOTION.

HALLOWEEN: COUNCILMAN MATTHEWS MOVED HALLOWEEN TRICK OR TREAT BE HELD FROM 6:00 PM TO 8:00 PM AND THE HALLOWEEN HOEDOWN BE PERMITTED FROM 6:00 PM TO 9:00 PM ON OCTOBER 31. THE MOTION WAS SECONDED BY RECORDER COX AND VOTE WAS UNANIMOUS FOR THE MOTION.

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

TREASURER REPORT: Recorder Rita Cox said John Young was not in attendance but she had presented financial statements to them on his behalf.

COUNCIL COMMENT

Councilman Bill Javins he is glad the property maintenance ordinance has been improved.

Recorder Rita Cox said she sees people using the new boat launch for running and walking.

COUNCILMAN DAVE CASEBOLT MOVED THE CITY PURCHASE A GUN NET AT \$300.00 FOR THE DOG CATCHER TO USE. THE MOTION WAS SECONDED BY COUNCILMAN JIM MCKAY AND VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

Councilman Jim McKay said signs need to be posted at the boat launch that say no fishing.

Councilman Craig Matthews said Mrs. Deweese thanked the city for repairing a drain on her property.

PUBLIC COMMENT

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

Herschel Facemyre said there will be a meeting at 6:00 pm in Council Chambers to discuss a pictorial history book of Nitro. He told Council he had read the President's job proposal and there could be some money available to renovate or tear down buildings.

Leonard Womble said he thought the library should be named for Bill Wintz. Mayor Casto recommended he talk with members of the Library Board. Mr. Womble suggested the scholarship fund recipient from the bridge fund be hired as a summer employee. He said he thought Council should consider paying for the laser sight for the Police Department.

Councilman McKay said he thought Mayor Casto should look into buying the property behind city hall.

ADJOURNMENT

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

RUSTY CASTO, MAYOR

RITA COX, RECORDER