

NITRO CITY COUNCIL
MEETING MINTUES
TUESDAY, NOVEMBER 1, 2011

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

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

FUTURE DATES OF COUNCIL: Mayor Casto said the future dates of Council are November 15, December 6 and 20, 2011, and January 3 and 17, 2012.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE OCTOBER 18, 2011 MEETING OF COUNCIL BE APPROVED AND THE MOTION WAS SECONDED BY COUNCILMAN BOB FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

CITIZEN OF THE MONTH: Mayor Rusty Casto declared Judy Taylor November Citizen of the Month because of the fund raising efforts she makes for the Christmas fund.

KANAWHA AVENUE SOUTH CITIZENS' CONCERNS: Ward 4 Councilman Bill Javins introduced residents from the Kanawha Avenue South neighborhood who addressed Council with concerns about the condition of the neighborhood. They said the concerns had to do with R & J Recycling, a neighbor at 117 Kanawha Avenue South who works on cars, and B and B Auto, a new business. Among the complaints were eyesores in the community, oil standing at R & J, trucks and cars not being parked properly, Mr. Easter working on his racing cars, a sinking street. Chief Jordan addressed the group and said he would take care of any issue that was under his jurisdiction. Mayor Casto said the Building Department will have to address certain issues concerning contaminated ground water with the DEP and the EPA. Mr. Easter said he was approached about his vehicles and he licensed a vehicle so he could keep it parked. He said he was trying to be a good neighbor but he felt that he was being harassed. Nitro Policeman Clark Green addressed the group and said that he had visited the area and had tried to address some of their concerns. Mayor Casto said that the proper Department Heads would address the items under their jurisdiction and report back to Council.

OLD BUSINESS

REPORT ON STATUS OF POLICE FUNDS EXAMINATION: Richie Robb said a check register type accounting was being created for the police funds and copies should be available next week for Council and the Police Department. He said that by using this Council should be able to explore where the money was spent. Councilman Dave Casebolt asked if the FBI had asked for a copy of the information being compiled. Chief Jack Jordan said the Police Department will supply the FBI with a copy. Councilman Casebolt made a motion that copies of the information be given to the FBI with a second by Councilman McKay. Councilman Fields asked Richie Robb if in his opinion there is a discrepancy in the information supplied. Richie Robb said he did not know. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE MOTION BY

COUNCILMAN CASEBOLT BE TABLED WITH A SECOND BY COUNCILMAN BOB FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

RUBBER/CEDAR MULCH FOR CHILDREN'S PLAYGROUND REPORT: COUNCILMAN CRAIG MATTHEWS MOVED THE BID FROM CUNNINGHAM RECREATION FOR PLAYSAFER SHREDDED RUBBER MULCH FOR 1200 SF @ 12 INCH DEPTH FOR \$6130.00 BE ACCEPTED WITH A SECOND BY COUNCILMAN BOB FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

LAND AND WATER CONSERVATION GRANT FUND/RIDENOUR SHELTER: Councilman Dave Casebolt said the repairs to the footbridge could be left out of the project to save on costs if the road is repaired and that the playground could be included and the city's part of the grant would be \$60,900.00 Councilman Jim McKay said it would make it a first class shelter. Public Works Director A. J. Hill said that John Young had browbeat his department about spending too much money and he had been doing work at the shelter and had a plan to save the city money. Recorder Rita Cox said that we as a city were negligent about letting the shelter fall into the state and get the reputation that it has. COUNCILMAN JIM MCKAY MOVED COUNCIL APPROVE THE LAND AND WATER FUND GRANT FOR RIDENOUR SHELTER AND PASS THE RESOLUTION STATING SO. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS. VOTING FOR THE MOTION AND RESOLUTION WERE RECORDER RITA COX AND COUNCILMEN CRAIG MATTHEWS, JIM MCKAY, DAVE CASEBOLT, AND BILL JAVINS. VOTING IN OPPOSITION TO THE MOTION WERE MAYOR RUSTY CASTO AND COUNCILMEN BOB FIELDS AND A. A. "JOE" SAVILLA. THE MOTION CARRIED.

CONVENTION AND VISITORS BUREAU REPORT: Councilman Bill Javins said the Robert C. Byrd Boat Launch Opening was a big success. He said that the focus for the CVB will be Ridenour Lake. CVB President Leonard Womble said that Ridenour Lake was the most important project for the CVB going forward.

STREETScape UPDATE: Councilman Dave Casebolt said that the work on Bank Street was proceeding as scheduled and that a few issues with the business owners have been worked out for now. COUNCILMAN CASEBOLT MOVED A PAYMENT OF \$37,420.36 BE APPROVED TO BAKER ENGINEERING AS PART OF THE STREETScape PROJECT. THE MOTION WAS SECONDED BY COUNCILMAN JIM MCKAY AND VOTE WAS UNANIMOUS FOR THE MOTION.

ATTORNEY REPORT ON FIREFIGHTER A. J. SHINN ATTORNEY COST: Richie Robb said that if a firefighter prevails in an appeal of a ruling then he is entitled to attorney fees and then the question becomes did he prevail and was the amount reasonable. He said the Civil Service Commission upheld the original suspension given by the chief. Richie Robb said that he thought the amount was reasonable but the death of Shinn's original attorney presented another challenge. The Civil Service Commission ruled the City should pay the attorney fees. Richie Robb said that it was his understanding that the Fire Department is going to appeal the decision. Councilman Craig Matthews asked how long they have to file the appeal. He said hearing about it is not sufficient and he was not award of an appeal. John Young said he had a copy of the bill from Shinn's lawyer. Mayor Rusty Casto said he would contact Larry Kallmerten and get the documentation that he had on the subject.

NEW BUSINESS

ORDINANCE ESTABLISHING A PRIMARY ELECTION/FIRST READING: Richie Robb said the Ordinance Committee has prepared an Ordinance establishing a primary election for first reading with a nonpartisan primary being held in March and the general on the first Tuesday in June as already

established in an earlier ordinance. He said by this ordinance the top two vote getters would go to the general election and in the case of Council at Large it would be the top six vote getters. Mayor Casto said that 20 years ago Olaf Walker had researched this and his conclusion was that it had to go to a vote of the people for a decision of this importance. Councilman A. A. "Joe" Savilla said that at a time when we are trying to be more careful with expenditures this would be a waste of money. Councilman Jim McKay said he has not had one objection to the proposal until this meeting. Mayor Casto said he did not think Council had the authority to do this. Richie Robb said that this is a legitimate argument and some believe it is a function of the Charter of the City of Nitro to spell this out but his research has shown that Nitro has election laws by ordinance instead of charter. Councilman Craig Matthews asked just what is the charter. Richie Robb said the charter is a floating document. John Montgomery said the Charter of the City of Nitro says when the election is to be held. Councilman Savilla said he doesn't care if it is in the charter, he just thinks it's ridiculous and he is not in favor of adding a primary election. Councilman McKay said that concerns were taken into consideration but he felt that it gave the mayor who is elected more backing. Councilman Matthews said he is in favor of Article 107.18 that would do away with the requirement for a candidate to have a petition of voters. He said that he thought a public hearing should be held. COUNCILMAN CASEBOLT MOVED THE ORDINANCE ESTABLISHING A PRIMARY ELECTION BE PASSED ON FIRST READING AND A PUBLIC HEARING BE HELD BEFORE A SECOND READING WITH A SECOND BY COUNCILMAN MATTHEWS. VOTING FOR THE MOTION WERE RECORDER RITA COX AND COUNCILMEN JIM MCKAY, DAVE CASEBOLT, BILL JAVINS AND CRAIG MATTHEWS. VOTING IN OPPOSITION TO THE MOTION WERE COUNCILMEN BOB FIELDS AND A. A. "JOE" SAVILLA. THE MOTION CARRIED. Councilman Matthews said that the public hearing should also include an estimated cost for an election.

BUDGET REVISION: COUNCILMAN JIM MCKAY MOVED COUNCIL PASS A RESOLUTION APPROVING THE BUDGET REVISION INCREASING EXPENDITURES FOR THE FOLLOWING: PUBLIC SAFETY \$30,000, SOCIAL SERVICES \$40,833, GENERAL GOVERNMENT \$87,228, STREET AND TRANSPORTATION \$9362, MAYOR'S OFFICE \$2000, GARBAGE DEPARTMENT \$293,160, AND DECREASING CITY COUNCIL \$132,923, PUBLIC WORKS \$227,199, AND STEETS AND HIGHWAYS \$65,961 AND INCREASING REVENUES IN THE FOLLOWING: CONTRIBUTIONS/ TRANSFER FROM OTHER ENTITIES \$34,000 AND SALE OF FIXED ASSETS \$2500. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS AND VOTE WAS UNANIMOUS FOR THE MOTION.

PURCHASE OF MOODY PROPERTY/21ST STREET AND SECOND AVENUE: COUNCILMAN CASEBOLT MOVED COUNCIL GO INTO EXECUTIVE SESSION TO DISCUSS THE PURCHASE AT THE END OF THE MEETING. THE MOTION WAS SECONDED BY COUNCILMAN MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION.

ATTORNEY REPORT: Richie Robb said discussions were progressing about annexation in the east end of town. He said in some cases the city boundary line goes through the property making part of it in the corporate limits and part out. He gave out names of property owners and requested anyone who knew them to try and get them to cooperate in putting the property fully in the city limits.

TREASURER REPORT: John Young presented Council with current financial reports. He said that rents for the Kingsway Outreach were increasing and that had not been put in the budget.

COUNCIL COMMENTS:

COUNCILMAN BILL JAVINS MOVED THE MINUTES OF THE OCTOBER MEETING OF THE CVB BE MADE A PART OF THE MINUTES WITH A SECOND BY COUNCILMAN MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

Councilman Craig Matthews said that the DOH has awarded the city with a grant for Phase 1 for a trail around Ridenour Lake, for \$25,000.00 with the city match being 20% which can be work done. The first phase is cleanup with Phase 4 being a connector with downtown and Phase 5 being a connection trail with Ridenour and the dog tracks.

Recorder Rita Cox said there is a tree on Juniper and Dupont that is causing the street light to be ineffective and asked if Public Works could trim it.

Councilman Bob Fields said the Halloween Hoe Down was a big success because of lots of hard work.

Councilman Dave Casebolt said the Hoe Down was excellent. He also asked the status of the dumpsters.

PUBLIC COMMENT:

Bob Schamber said the Blakes Creek area has a lot of spots that have not been annexed and he would like to see that area's annexation straightened up.

John Montgomery said the Ordinance Committee will meet at 7:00 pm in the NDA Boardroom on Thursday, November 3.

Jeannie Leighton said she was referencing the tree at Juniper and Dupont and she did not think the city should pay to trim it when it belongs to a private citizen.

COUNCILMAN CASEBOLT MOVED EXECUTIVE SESSION BE CALLED TO DISCUSS MOODY PROPERTY ON 21ST STREET PURCHASE. THE MOTION WAS SECONDED BY COUNCILMAN MCKAY AND VOTE WAS UNANIMOUS FOR THE MOTION.

EXECUTIVE SESSION BEGINS 8:45 PM

COUNCIL RESUMES 9:10 PM

ADJOURNMENT: COUNCILMAN MATTHEWS MOVED THE MEETING BE ADJOURNED WITH A SECOND BY COUNCILMAN MCKAY. VOTE WAS UNANIMOUS FOR THE MOTION.

RUSTY CASTO, MAYOR

RITA COX, RECORDER

