

NITRO CITY COUNCIL
MINUTES
TUESDAY, NOVEMBER 15, 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 4 Councilman Bill Javins, Councilmen at Large Jim McKay, Dave Casebolt and Bob Fields and City Treasurer John Young and City Attorney Richie Robb. Ward 3 Councilman Craig Matthews was not in attendance.

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 December 6 and 20, 2011 and January 3 and 17, 2012.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE APPROVAL OF MINUTES BE TABLED UNTIL THE NEXT MEETING WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

INA THOMAS PLAQUE AT NITRO LIBRARY: Mayor Casto said that Nitro Elementary Principal Pack wanted to donate a plaque to Nitro Library for the names of high achieving readers in the name of Ina Thomas, a longtime teacher and volunteer in the community. COUNCILMAN A. A. "JOE" SAVILLA MOVED THE INA THOMAS PLAQUE BE DEDICATED AT THE NITRO LIBRARY WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

AWARD TO NITRO POLICEMAN CLARK GREEN: Mayor Casto presented Nitro Policeman Clark Green with a Distinguished Mountaineer Award from Governor Earl Ray Tomblin for his police work in helping turn around the life of Demetria Williams, now the first African American Equine Inspector in Georgia.

REQUEST FOR PERMISSION FOR BOOT DRIVE DECEMBER 3 FOR CHRISTMAS GIFTS/ALLIANCE MOTORCYCLE CLUB: COUNCILMAN A. A. "JOE" SAVILLA MOVED THE ALLIANCE MOTORCYCLE CLUB BE GIVEN PERMISSION TO HAVE A BOOT DRIVE ON DECEMBER 2 WITH THE MONEY GOING TO THE CHRISTMAS BASKET PROGRAM WITH A SECOND BY COUNCILMAN BOB FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

OLD BUSINESS

REPORT ON KANAWHA AVENUE SOUTH: Councilman Bill Javins said the problems have begun to be addressed. Mr. Easter is working on cleaning up his yard, Ron King and A. J. Hill are addressing problems with Public Work and Building Maintenance and the Nitro Police Department is working with them also. He said R & J Recycling has had similar problems in the past and some have slipped back. Ron King said he had talked with people at the DEP who remembers addressing the problems. Nitro Policeman Brian Oxley said they are increasing patrols and will have zero tolerance on violations. The owner of B & B Auto is cooperating and doing what he can to alleviate problems.

GRANT PHASE 1 TRAIL FROM NITRO ELEMENTARY TO MARDI GRAS CASINO AREA: Mayor Casto said he and Councilman Craig Matthews had recently accepted a grant from Governor Earl Ray Tomblin for Phase 1 of a trail that will eventually go from Nitro Elementary to Mardi Gras Casino.

GAZEBO AT RIDENOUR LAKE: Mayor Casto said the Recreation Committee met recently and he said that Leonard Womble had come up with a plan for the new gazebo at Ridenour Lake. Recorder Cox said the invitation to bid was sent to Charleston Newspapers. Mayor Casto said the CVB was going to help pay for seating in the new gazebo.

PUBLIC HEARING ORDINANCE ESTABLISHING A PRIMARY ELECTION: COUNCILMAN MCKAY MOVED THE HEARING BE OPEN WITH A SECOND BY COUNCILMAN SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY. City Attorney Richie Robb said the Ordinance Committee had written an ordinance establishing a non-partisan primary election and it had been passed by Council on first reading. He said the purpose of the election was for the top vote getters in the primary to run for election in the general election. Councilman A. A. "Joe" Savilla said that he felt that having a primary would be a waste of taxpayer money in a city the size of Nitro. Councilman Bill Javins said that when you have several people running for one position the way it currently is a person can be elected without receiving 50 percent of the vote. He said that he supports a primary 100 percent. Recorder Rita Cox presented Council with handouts that gave the approximate amounts of the most current elections. She said that Council ordinarily budgets \$15,000.00 for an election. Councilman Jim McKay said that Dunbar has a primary. He said by not having a primary and the mayor being elected by such a small percentage it puts the mayor that is elected in a quagmire. Recorder Cox said that she had talked to an employee in Kanawha County Voter's Registration who said that there appears to be a trend away from towns and cities having a primary. Councilman Bob Fields said he had received eight phone calls on this matter and people have told him they do not trust the city. Gene Javins asked if research had been done to see if it was legal for Council to do this by ordinance. Richie Robb said he had researched it and it was his conclusion that the election laws are done by ordinance. Councilman Dave Casebolt said that the Nitro citizens have the right to pick a mayor by a majority vote. He said you cannot put a price on democracy. He said by having a primary it eliminated strategic placing of names on the ballot.

Recorder Cox said that she was concerned that it was that easy for Council to add a primary. She said that the people of Nitro should have more of a voice in it. John Montgomery said that the charter is silent on this subject. Dallas Elswick said the unions have used the tactic for years by getting several people to run to split up the vote. He said that he thought that more people would get involved if there was a primary. Chuck Boggs said that personal agendas should be put aside. Leonard Womble said that there should not be a price on democracy and the cost of the primary is worth it.

COUNCILMAN MCKAY MOVED THE HEARING BE CLOSE WITH A SECOND BY COUNCILMAN SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION.

SECOND READING ORDINANCE ESTABLISHING A PRIMARY ELECTION: Richie Robb suggested that since Councilman Craig Matthews was not able to attend he thought as a professional courtesy that the second reading be postponed. COUNCILMAN MCKAY MOVED THAT THE SECOND READING BE TABLED AND A SECOND PUBLIC HEARING BE HELD. RECORDER RITA COX SECONDED THE MOTION AND VOTE WAS UNANIMOUS FOR THE MOTION.

REPORT ON POLICE ACCOUNTS: Richie Robb said that after Council received that information compiled on the police accounts, he is having Council members submit questions. Those will be given to the police to answer. He said he was reluctant to put a deadline on the process but he said he would like questions in writing by the end of this week. Chief Jordan said source documentation has been provided

and he asked why the police have to answer to Council. Recorder Cox said that if public funds are involved then Council has a fiduciary responsibility to know about the accounts. Chief Jordan said it is not public money, it was money taken in from a pop machine, not taxpayers money. John Montgomery said he was interested in the accounts and would like to know when he will get a chance to see the information. Chief Jordan said it is not public information and Richie Robb said it is now public. He said that possibly by the first meeting in January there would be more information. Councilman Savilla said he thought that it was a smear campaign against the police department.

REPORT ON PURCHASE OF MOODY PROPERTY: Councilman Bill Javins said that in he made an offer in the city's name for \$70,000.00 for the property on the corner of 21st Street and Second Avenue. The Moody family countered with \$117,000.00 and he would counter with \$75,000.00.

CVB REPORT: Councilman Javins said there is no report.

NDA REPORT: Councilman Jim McKay said the NDA met on Tuesday, November 8. COUNCILMAN JIM MCKAY MOVED THE MINUTES OF THE NOVEMBER 8 MEETING AND THE FINANCIAL REPORT BE MADE A PART OF COUNCIL MINUTES. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS AND VOTE WAS UNANIMOUS FOR THE MOTION. Hershel Facemyre said that he attended a conference in Morgantown recently that will have an impact on the Main Street Grants. He said the Streetscape is on schedule.

LIBRARY ROOF: Recorder Rita Cox said bids have been solicited for the library roof and should be available for the next Council meeting.

NEW BUSINESS

ATTORNEY REPORT: Richie Robb said he had no report.

TREASURER REPORT: John Young said he had a cell phone bill for Nitro Policeman Don Scurlock that had been paid in the past out of one of the police accounts. He said he needed direction on how to pay it. RECORDER RITA COX MOVED THE CELL PHONE BILL OF DON SCURLOCK BE PAID FROM THE POLICE FUNDS WITH A SECOND BY COUNCILMAN A. A. "JOE" SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION. John Young presented a bill from A. J. Shinn for his attorney. COUNCILMAN SAVILLA MOVED COUNCIL PAY A. J. SHINN BILL FOR ATTORNEY FEES WITH A SECOND BY COUNCILMAN BILL RACER. Councilman Dave Casebolt said he would recuse himself from voting due to his employment relationship with Mr. Shinn. VOTING FOR THE MOTION WERE COUNCILMEN MCKAY, FIELDS, SAVILLA, RACER, AND JAVINS AND RECORDER COX WITH COUNCILMAN CASEBOLT ABSTAINING. THE MOTION CARRIED.

COUNCIL COMMENT: Mayor Casto said the Christmas lights will be put up soon.

Councilman Javins said he would like to see some lights in his end of town. He thanked Brian Oxley, Ron King and A. J. Hill on the help in solving the problems on Kanawha Avenue South and Michigan Avenue.

Councilman Fields congratulated Clark Green on his award.

Councilman Casebolt said we did not receive our latest Streetscape grant for more work on 21st Street.

Councilman McKay said the recent Business After Hours was a success. COUNCILMAN MCKAY MOVED THE CITY AWARD \$500.00 TO NITRO ELEMENTARY FOR LANDSCAPING WITH A SECOND BY COUNCILMAN CASEBOLT. VOTE WAS UNANIMOUS FOR THE MOTION.

Mayor Rusty Casto wished everyone a happy Thanksgiving. He said he would like to stock Ridenour Lake with trout soon.

PUBLIC COMMENT:

John Montgomery said the Ordinance Committee would meet at 7:00 on Thursday night.

Chuckie Boggs thanked the Council for support of the Chamber of Commerce and the business community.

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

RUSTY CASTO, MAYOR

RITA COX, RECORDER