

NITRO CITY COUNCIL  
MEETING MINTUES  
TUESDAY, DECEMBER 6, 2011

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

INVOCATION/PLEDGE OF ALLEGIANCE: Councilman Savilla gave the Invocation and the Pledge of Allegiance was led by Recorder Cox.

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

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE NOVEMBER 1 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILMAN FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

CITIZEN OF THE MONTH: Mayor Casto said the December Citizen of the Month could not attend.

BOOT DRIVE AND UPDATE OF NITRO POLICE OFFICER JAMES LEE: Mayor Casto asked Brian Oxley to give an update on Officer Lee's condition. Brian Oxley said he had been moved to a rehab facility in Georgia and he was making improvement slowly. COUNCILMAN SAVILLA MOVED A BOOT DRIVE BE HELD ON DECEMBER 10 FROM 10 TILL 2 ON 21<sup>ST</sup> STREET AND 1<sup>ST</sup> AVENUE TO RAISE MONEY FOR OFFICER LEE'S CARE. THE MOTION WAS SECONDED BY COUNCILMAN JAVINS AND VOTE WAS UNANIMOUS FOR THE MOTION.

COUNCILMAN MATTHEWS MOVED THE POLICE BENEFIT FUND BE GIVEN TO OFFICER LEE'S CARE RETAINING \$25.00 TO KEEP THE ACCOUNT ACTIVE. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION. Mayor Casto said that Don Scurlock is now the liaison for Officer Lee's information.

OLD BUSINESS

GAZEBO BID: Recorder Cox said one bid was received for the gazebo from Amish Country Gazebos and the amount is \$22,635.00. COUNCILMAN MATTHEWS MOVED COUNCIL ACCEPT THE BID BY AMISH COUNTRY GAZEBOS FOR \$22,635.00 TO BUILD AT RIDENOUR LAKE WITH A SECOND BY COUNCILMAN JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

LIBRARY ROOF: Recorder Cox said the bids were opened in City Hall with Mayor Casto and A. J. Hill. RECORDER COX MOVED THE BID FROM STOVER ROOFING FOR A METAL ROOF BE ACCEPTED WITH A SECOND BY COUNCILMAN FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

PUBLIC HEARING AN ORDINANCE ESTABLISHING A PRIMARY ELECTION ARTICLE 107: City Attorney Richie Robb said that a primary election would be held on the first Saturday in March with the two highest vote getters being in the general election for all slots except for council at large who would take

the six highest voters for the three slots. Councilman Matthews pointed out that the new ordinance does not say in the general election that you must win by 50 percent of the vote. Recorder Cox said her concern is that it is too easy to change the election rules and the people should have a say if they want a primary. She thought it should go on the ballot for next election. Savilla said he agreed that the people should have a say. Casey Mathes asked how much it would cost and why now. Recorder Cox said approximately \$12,758.00. Councilman Casebolt said that people had spoken for it. Bill Clark said Council was trying to sneak it in. Dallas Elswick said unions used the tactic of having multiple candidates. Councilman Matthews said he thought it should go on the ballot and that some cities were moving away from it. Recorder Cox said Dunbar, St. Albans, Charleston and South Charleston currently have a primary. Councilman Casebolt said that the majority should rule. Councilman Matthews asked why we are doing it now and having it affect the next election that is so soon. John Montgomery said the Ordinance Committee has gone through about 30 ordinances and had just gotten to this one. He said that it wasn't being pushed through. Bill Clark said he was against it. Recorder Cox said should we have a charter. The public hearing was closed.

SECOND READING AN ORDINANCE ESTABLISHING A PRIMARY ELECTION: Richie Robb read the ordinance by title only. COUNCILMAN MCKAY MOVED THE ORDINANCE ESTABLISHING A PRIMARY ELECTION BE PASSED ON SECOND READING WITH A SECOND BY COUNCILMAN CASEBOLT. COUNCILMAN SAVILLA AMENDED THE ORDINANCE BY HAVING THE ESTABLISHMENT OF A PRIMARY PUT ON THE BALLOT FOR JUNE 2012 WITH A SECOND TO THE AMENDMENT BY COUNCILMAN FIELDS. VOTING FOR THE AMENDED MOTION WERE RECORDER COX, COUNCILMEN MATTHEWS, FIELDS AND SAVILLA AND MAYOR CASTO. VOTING AGAINST THE AMENDED MOTION WERE COUNCILMEN JAVINS, MCKAY, RACER AND CASEBOLT. THE MOTION CARRIED. John Montgomery suggested the ordinance go back to committee because the amendment created a substantial change before the second reading is held. He suggested that the reading tonight count as the first reading. COUNCILMAN SAVILLA MOVED THIS READING BE MADE THE FIRST READING OF THE ORDINANCE CALLING FOR THE QUESTION OF A PRIMARY TO BE ON THE JUNE, 2012 BALLOT WITH A SECOND BY COUNCILMAN FIELDS. VOTE WAS UNANIMOUS FOR THE MOTION.

#### NEW BUSINESS

ATTORNEY REPORT: Richie Robb said that he believed the police should see the questions from Council members and they currently have them. When he receives a response he will get back to Council. Councilman Matthews asked where it is written out what the accounts can be used for. Councilman McKay says it is in state code. Mayor Casto said that it is time to put the matter to rest. Councilman Matthews said it appears the same things are being paid out of different accounts. He asked why there were so many accounts. Recorder Cox said that it just seem to evolve over time. Councilman Casebolt asked if the FBI still wanted the information from the accounts. John Montgomery said he did a foia for the accounts and there are five of them. He said he had a question on every page. Councilman Matthews said he thought when money was moved from one account to another then it became the city money no matter the origination.

TREASURER REPORT: John Young said that A. J. Shinn has signed a hold harmless agreement and Mayor Casto said based on that the city could pay him his attorney fee. The agreement says that he will not hold the city responsible for payment to his attorney. He said that the \$150,000.00 from PAR Industry been paid to the city. The Library received a report suggesting the bathroom is not ADA compliant and a unisex bathroom would be a solution.

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

NDA REPORT: There is no report for the NDA.

COUNCIL COMMENT: COUNCILMAN CRAIG MATTHEWS MOVED THE NITRO FIRE DEPARTMENT ROOF LEAKS BE DECLARED AN EMERGENCY AND BIDS BE OBTAINED TO GET A NEW ROOF. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilman Bill Javins said he has not had a response on the current offer for the Moody property.

Councilman Bill Racer said that a new building is needed for the Seniors and the Nitro Police Department.

Councilman A. A. "Joe" Savilla said more sponsors are needed for the Angel Tree for Christmas.

Mayor Rusty explained the Ortin Heights Cemetery was paved by funds going through the city to WV Paving at the request of Senator Craigo.

Councilman Bob Fields said the Police Accounts need to be settled.

Councilman Dave Casebolt said the Christmas baskets will be given out on December 16 and workers are needed. The food is at St. Paul's Methodist and the toys are at Holy Trinity Catholic Church.

PUBLIC COMMENT: Bob Schamber said he likes the Christmas lights. He gave a donation to help.

Jane Pauley said she liked the Christmas lights.

John Montgomery said the Ordinance Committee will not meet on Thursday but will have a brief meeting following tonight's Council meeting.

COUNCILMAN JIM MCKAY MOVED COUNCIL GO INTO EXECUTIVE SESSION TO DISCUSS A SALARY WITH A SECOND BY COUNCILMAN MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

8:10 pm Executive Session begins

8:25 pm Executive Session ends

COUNCILMAN MATTHEWS MOVED THE WAGES OF FIRE CHIEF ERNIE HEDRICK FROM MAY 22, 2011 TO JUNE 30, 2011 BE \$14.09 PER HOUR AND OVERTIME FOR THIS PERIOD AT \$21.14 PER HOUR AND FROM JULY 1, 2011 TO DECEMBER 31, 2011 THE WAGES ARE TO BE \$14.38 PER HOUR AND OVERTIME FOR THIS PERIOD BE \$21.56 PER HOUR. THE MOTION WAS SECONDED BY COUNCILMAN SAVILLA. VOTE WAS UNANIMOUS FOR THE MOTION.

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

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RUSTY CASTO, MAYOR

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RITA COX, RECORDER