

NITRO CITY COUNCIL  
MEETING MINUTES  
TUESDAY, September 4, 2012

CALL TO ORDER: The meeting was called to order at 7:00 pm by Mayor Dave Casebolt. Attending were Recorder Rita Cox, Ward 1 Councilman Al Walls, Ward 2 Councilman Bill Racer, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Andy Shamblin, Councilman at Large Craig Matthews, Councilman at Large Bill Javins, Councilwoman at Large Brenda Tyler, City Attorney Richie Robb, and City Treasurer John Young.

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

FUTURE DATES OF COUNCIL: Mayor Dave Casebolt said the future dates of Council are September 18, October 2 and 16.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE AUGUST 21, 2012 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

CALENDAR PICTURE: Mayor Casebolt said Council will have a picture made for the calendar prior to the next meeting of Council.

OLD BUSINESS

PAVING COMMITTEE REPORT AND RECOMMENDATIONS: Councilman Bill Javins presented Council with two paving recommendations to be considered. The first recommendation called Plan A is made up of \$20,348 for paving Dave Perry Way and parking spaces, \$22,460 for paving Bank Street, \$8874 for paving 500 block of Michigan Avenue, \$24,689 for paving Kanawha Avenue South, 100 block, and \$5260 for paving Lock Street from Main Avenue to alley. The total for Plan A is \$81,631 which is \$1631 over the original budget of \$80,000 approved by Council. Councilman Javins said that Plan A is contingent on Mr. and Mrs. MARRS of MARRS Jewelry agreeing to a 20 year lease by the city on the parking area on First Avenue. Plan B included \$22,460 for paving Bank Street, \$8874 for Michigan Avenue, 500 block, \$24,689 for Kanawha Avenue South, 100 block, \$5260 Lock Street from Main Avenue to alley, \$15,539 for 11<sup>th</sup> Street from First Avenue to Second Avenue, and \$8420 for paving Dave Perry Way with the total for Plan B being \$85,242 which is \$5242 over the approved budget amount by Council of \$80,000. Councilman Javins said that he has spoken with James MARRS of Bank Street and has a 20 year lease agreement drafted by Richie Robb. Mr. MARRS still has a few questions he would like answered prior to signing the lease. COUNCILMAN AL WALLS MOVED COUNCIL APPROVE PLAN A FOR PAVING CONTINGENT ON MR. AND MRS. JAMES MARRS SIGNING THE 20 YEAR LEASE ON THE PARKING AREA ON FIRST AVENUE AND THE INCREASE AMOUNT MONEY NEEDED OVER \$80,000 TO COME OUT OF THE MISCELLANEOUS BUDGET BY WAY OF A BUDGET REVISION AND IF THE LEASE IS NOT SIGN THE PAVING WILL BE DONE ACCORDING TO PLAN B AS PRESENTED. THE MOTION WAS SECONDED BY COUNCILMAN CRAIG MATTHEWS. Mayor Dave Casebolt repeated the motion for clarification stating that Plan A for paving at \$81,631 with \$1631 being over budget with the money coming through a budget revision from Miscellaneous Budget all contingent on Mr. and Mrs. James MARRS signing a 20 years lease and in the event the MARRS family does not sign the 20 year lease Council will opt for the Paving Committee to

implement Plan B for paving in the amount of \$85,242 with it being over the budgeted amount of \$5242 with the over amount to come out of Miscellaneous Budget by way of a budget revision. VOTE WAS UNANIMOUS FOR THE MOTION.

POLICE AND FIRE COMMITTEE REPORT: Councilman Craig Matthews said the Police and Fire Committee met on August 28 and continued the disaster preparation discussion. It was determined that radio communications was necessary for Public Works employees to communicate with emergency service workers. The members of the committee are to tour three churches that are willing to become emergency centers. Mayor Casebolt said the Moose Lodge will be an emergency shelter if needed. Councilman Matthews said the Police and Fire Committee and the Fire Department decided to do the 29 month lease of a copier at 158.91 with a policy for usage enforced by the Fire Chief.

ORDINANCE COMMITTEE REPORT: John Montgomery said the Ordinance Committee met August 23 and are recommending three ordinances for first reading tonight. The next meeting of the Ordinance Committee is September 20, 2012 at 7:00 pm in NDA Boardroom.

COMMITTEE REPORT ON WEB SITE HOST: Recorder Rita Cox said the committee has met twice, initially to open the bids and narrow down the choices from the original 11, and then to hear presentations from some of the local presenters. The committee would like to have a selection made and be in operation by November 1.

#### NEW BUSINESS

FIRST READING ORDINANCE TO AMEND ARTICLE 313/TRAFFIC CONTROL DEVICES: Richie Robb read by title only an ordinance relating to traffic safety; and authorizing the Department of Public Works to install speed bumps in certain city streets. COUNCILMAN BILL JAVINS MOVED COUNCIL PASS ON FIRST READING ARTICLE 313 DESIGNATING A NEW SECTION 313.09 RELATING TO TRAFFIC SAFETY AND AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO INSTALL SPEED BUMPS IN CERTAIN CITY STREETS WITH A SECOND BY COUNCILMAN ANDY SHAMBLIN. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

FIRST READING ORDINANCE TO AMEND SECTION 923.11/GARBAGE AND REFUSE: Richie Robb read by title only an ordinance to amend section 923.11 of the Code of Ordinances of the City of Nitro, all relating to the precollection practices for garbage and trash; establishing time for setting-out for collection of garbage, refuse, yard waste and trash. COUNCILMAN CRAIG MATTHEWS MOVED THE ORDINANCE AMENDING 923.11 ESTABLISHING TIMES FOR SETTING-OUT FOR COLLECTION GARBAGE, REFUSE, YARD WASTE AND TRASH BE PASSED ON FIRST READING. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS AND VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

FIRST READING ORDINANCE TO AMEND SECTIONS 733.13, 733.14 AND 733.15/LICENSE TAXES: Richie Robb ready by title only an ordinance to amend sections 733.13, 733.14 and 733.15 of the Code of Ordinances of the City of Nitro as amended, all relating to street vendors; requiring street vendors to obtain a license from the City Recorder; establishing restrictions on street vendor activities; establishing an annual license fee for street vendors; exempting non-profit organizations from payment of the license fee; defining "street vendor" and "vendor". COUNCILMAN CRAIG MATTHEWS MOVED ORDINANCE TO AMEND SECTIONS 733.13, 733.14 AND 733.15 ALL RELATING TO STREET VENDORS LICENSE FEE; ESTABLISHING RESTRICTIONS ON STREET VENDORS; EXEMPTING NON-PROFIT

ORGANIZATIONS AND DEFINING "STEET VENDOR" AND "VENDOR" BE PASSED ON FIRST READING. THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN 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 members.

TREASURER REPORT: John Young said there is \$96,000 in payables. He said the Sycamore Landfill will accept the WV Purchasing Card for payments.

MAYOR COMMENTS: Mayor Dave Casebolt thanked the Department of Public Works for the effort they have put out recently. Shelter number four at Ridenour Lake is prepared for the roof to be put on. He said that Chief Oxley is working with the Nitro Moose Lodge on an electronic fingerprint program that will keep digital records. Mayor Casebolt said he will play in a golf scramble the Nitro Antique Business Association at Scarlet Oaks Golf Course on September 13. COUNCILMAN CRAIG MATTHEWS MOVED \$300 BE GIVEN FROM THE HOTEL MOTEL TAX MONEY TO HELP FUND LUNCH FOR PARTICIPANTS IN THE GOLF SCRAMBLE SPONSORED BY THE NITRO ANTIQUE BUSINESS ASSOCIATION WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

#### COUNCIL COMMENT

Councilman Andy Shamblin said the NDA will meet September 11 at 6:00 pm in the NDA Boardroom.

Councilwoman Laurie Elkins said the Annex Committee meeting will be held following this meeting of Council.

Councilman Al Walls said that bushes and trees are obstructing the view on some streets in Brookhaven.

Councilman Craig Matthews said his Aunt Sis Tucker Matthews of the Nitro High School Class of 1957 passed away.

Councilman Bill Javins thanked the members of the Paving Committee. COUNCILMAN JAVINS MOVED THE MINUTES OF THE AUGUST MEETING OF THE CVB BE MADE A PART OF THE MINUTES OF TONIGHT'S MEETING WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilwoman Brenda Tyler said that we had all experienced a great loss with the death of the two WV State Troopers recently and we should all appreciate our police force. She wants to be sure our policemen are as safe as possible.

#### PUBLIC COMMENT

Bob Schamber said the bingo continues to do well. There is an indoor yard sale on Saturday, a western dance on September 15 and a bus trip to Newport, Kentucky on October 8. He said the was glad the Smokey the Bear sign was put at Ridenour Lake area. He thanked John Young for his accounting work.

Kelly Pruett said the Antique Car Show is this weekend. RECORDER RITA COX MOVED A PARADE PERMIT BE ISSUED FOR SATURDAY, SEPTEMBER 8 FOR THE ANTIQUE CAR SHOW WITH A SECOND BY COUNCILMAN AL WALLS. VOTE WAS UNANIMOUS FOR THE MOTION.

John Montgomery said the Ordinance Committee will meet in NDA Boardroom on September 6 at 7:00 pm.

Mr. Gillespie thanked John Young for helping the city with financial stability.

Tifney Franks had some questions for John Young concerning a surplus in city money.

ADJOURNMENT: COUNCILMAN CRAIG MATTHEWS MOVED THE MEETING BE ADJOURNED WITH A SECOND BY COUNCILMAN BILL RACER. THE VOTE FOR THE MOTION TO CARRY WAS UNANIMOUS.

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DAVE CASEBOLT, MAYOR

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RITA COX, RECORDER