

NITRO CITY COUNCIL
MEETING MINUTES
TUESDAY, SEPTEMBER 18, 2012

CALL TO ORDER: Mayor Dave Casebolt called the meeting to order at 7:00 pm in Council Chambers. Attending were Recorder Rita Cox, Ward 1 Councilman Al Walls, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Andy Shamblin, Councilmen at Large Craig Matthews and Bill Javins, and Councilwoman at Large Brenda Tyler, 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 Councilman Andy Shamblin and the Pledge of Allegiance was led by Recorder Rita Cox.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are October 2 and 16 and November 20. COUNCILWOMAN LAURIE ELKINS MOVED THE FIRST MEETING IN NOVEMBER BE HELD ON NOVEMBER 8 SINCE NOVEMBER 6 IS ELECTION DAY. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS AND VOTE WAS UNANIMOUS FOR THE MOTION.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE SEPTEMBER 4 MEETING BE APPROVED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

ABANDONED VEHICLES: Police Chief Brian Oxley said 32 vehicles have been tagged and three have been towed. He said the Nitro Police Department will continue to make sweeps throughout the town for vehicles that have expired tags, expired inspection stickers or are not operable.

NITRO HIGH SCHOOL HOMECOMING PARADE: RECORDER RITA COX MOVED THE HIGH SCHOOL HOMECOMING PARADE BE HELD FRIDAY, OCTOBER 5 AT 6:00 PM AND A BONFIRE BE HELD OCTOBER 4 AT NITRO PARK PARKING LOT. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

OLD BUSINESS

AUTHORIZATION FOR MAYOR TO SIGN LEASE AGREEMENT/MARRS: COUNCILMAN BILL JAVINS MOVED MAYOR DAVE CASEBOLT BE AUTHORIZED BY COUNCIL TO SIGN ON BEHALF OF THE CITY OF NITRO, A 20 YEAR LEASE AGREEMENT WITH MR. AND MRS. JAMES MARRS TO ENABLE THE CITY TO USE THE PARKING LOT BETWEEN 20TH STREET AND 21ST STREET ON FIRST AVENUE. THE MOTION WAS SECONDED BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

ACH WITHDRAWAL: Mayor Dave Casebolt said the ACH withdrawal have been set up for Municipal Service billing and residents can sign up for it in City Hall.

SECOND READING ORDINANCE TO AMEND ARTICLE 313/TRAFFIC CONTROL DEVICES: Richie Robb read the Ordinance by title only. RECORDER RITA COX MOVED THE ORDINANCE TO AMEND ARTICLE 313/TRAFFIC CONTROL DEVICES BE PASSED ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN. Richie Robb said that by passing this ordinance it will allow for speed bumps to be place in appropriate neighborhoods. VOTE WAS UNANIMOUS FOR THE MOTION.

SECOND READING ORDINANCE TO AMEND SECTION 923.1/GARBAGE AND REFUSE: COUNCILMAN ANDY SHAMBLIN MOVED COUNCIL PASS ON SECOND READING AN ORDINANCE TO AMEND SECTION 923.1/GARBAGE AND REFUSE. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS. Richie Robb said the amendments address precollection practices such as time restrictions for setting out garbage and trash and special pickups. VOTE WAS UNANIMOUS FOR THE MOTION.

SECOND READING ORDINANCE TO AMEND SECTIONS 733.13, 733.14 AND 733.15/LICENSE TAXES: COUNCILMAN CRAIG MATTHEWS MOVED A PUBLIC HEARING BE OPEN TO DISCUSS THE ORDINANCE TO AMEND SECTIONS 733.13, 733.14 AND 733.15/LICENSE TAXES WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION. Richie Robb said the primary proponent for the ordinance was the CVB Director for use during fairs and festivals as it applies to street vendors. He said the vendors will be required to register with the City Recorder and have a WV License. The street vendors will also be required to show proof of insurance. COUNCILMAN CRAIG MATTHEWS MOVED THE PUBLIC HEARING BE CLOSED WITH A SECOND BY COUNCILMAN BILL JAVINS. COUNCILMAN CRAIG MATTHEWS MOVED THE ORDINANCE REQUIRING STREET VENDORS TO OBTAIN A LICENSE FROM THE CITY RECORDER; ESTABLISHING RESTRICTIONS ON STREET VENDOR ACTIVITIES; ESTABLISHING AN ANNUAL LICENSE FEE; EXEMTING NON-PROFITS FROM PAYMENT OF FEE BE PASSED ON SECOND READING. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS AND VOTE WAS UNANIMOUS FOR THE MOTION.

MUNICIPAL SERVICE FEE BILLING BIDS: Recorder Rita Cox said two bids had been received. The bids were opened: Dunbar Printing at \$.226 per invoice with vendor accepting the WV Purchasing Card and Data Integrators at \$.215. RECORDER RITA COX MOVED A COMMITTEE BE FORMED CONSISTING OF MAYOR CASEBOLT, COUNCILWOMAN BRENDA TYLER, JOHN YOUNG AND RECORDER RITA COX TO CHOSE THE PRINTING SERVICE. COUNCILMAN AL WALLS SECONDED THE MOTION AND THE MOTION CARRIED.

SHELTER FOUR PLAYGROUND EQUIPMENT BIDS: Councilman Craig Matthews distributed the bids to be opened: Max Play Fit-\$18,196.00; Davis Athletics-\$17,807.98; Taylor Sports and Recreation-\$11,747.00; Game Time c/o Cunningham Recreation \$19,875.00 or materials only \$12,744.03; Playground Specialists Inc.-\$14,805.60. COUNCILMAN CRAIG MATTHEWS MOVED THE BIDS FOR PLAYGROUND EQUIPMENT FOR SHELTER FOUR BE MOVED TO THE PARKS AND RECREATION COMMITTEE WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

NEW BUSINESS

FIRST READING ORDINANCE-ADMINISTRATIVE/ARTICLE 135-CITY TREASURER: Richie Robb read the Ordinance by title only. COUNCILMAN ANDY SHAMBLIN MOVED THE ORDINANCE BE PASSED ON FIRST READING AUTHORIZING THE CITY TREASURER TO SETTLE TAX AND FEE LIABILITIES; REQUIRING THE SIGNING OF A SETTLEMENT AGREEMENT; REQUIRING THE CITY TREASURER TO REPORT MONTHLY TO THE CITY COUNCIL THE SETTLEMENTS ENTERED INTO IN THE IMMEDIATELY PRECEDING MOINTH. THE MOTION WAS SECONDED BY COUNCILMAN CRAIG MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION.

FIRST READING ORDINANCE ARTICLE 505-ANIMALS AND FOWL: Richie Robb read the ordinance by title only An Ordinance to amend article 505 of the Codified Ordinances of the City of Nitro, WV, as amended, by amending sections 505.30 and 505.31 and by adding thereto three new sections

designated 505.32, 505.33 and 505.34 relating to the care and restraint of dogs and the care of cats; prohibiting the keeping of more than three dogs on any lot, dwelling, or structure unless certain conditions are satisfied; authorizing the issuance of a special permit if owner seeks to keep more than three dogs, prohibit the keeping of more than three cats in any dwelling, or structure unless certain conditions are satisfied; authorizing the issuance of a special permit if the owner seeks to keep more than three cats; and making unlawful the leaving of an animal confined in a motor vehicle during extreme weather. Councilwoman Brenda Tyler asked if consideration was given in the ordinance as to what could be done in the case of a dog or cat that had a litter and this would put the owner over the limit in allowable amounts. John Montgomery said that was not considered. COUNCILWOMAN BRENDA TYLER MOVED THE ORDINANCE GO BACK TO COMMITTEE TO MAKE ALLOWANCES FOR THE BIRTH OF PUPS AND KITTENS WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

LGOV APPROVAL: John Young said that by being a part of the WV Treasurer LGOV program payments can be made on line for any city fees or fines. COUNCILMAN AL WALLS MOVED THE CITY OF NITRO PARTICIPATE IN THE LGOV PROGRAM WITH THE WV TREASURER'S OFFICE WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE MOTION.

STANDARD CLIENT AGREEMENT PROPOSAL BY MICHAEL BAKER JR., INC.: Richie Robb said that it would be necessary for him to do some more research before he advises Council on signing the agreement.

INVITATION TO BID BOAT RENTAL/RIDENOUR LAKE: COUNCILMAN CRAIG MATTHEWS MOVED COUNCIL PRESENT AN INVITATION TO BID FOR BOAT RENTAL AT RIDENOUR LAKE WITH A SECOND BY COUNCILMAN AL WALLS. Mayor Casebolt said he had met recently at Ridenour Lake with representatives of the DNR and they recommended boats be used. He said they thought it would be covered under the city insurance. THE MOTION PASSED WITH A UNANIMOUS VOTE.

INVITATION TO BID BAIT SHOP/RIDENOUR LAKE: COUNCILMAN ANDY SHAMBLIN MOVED THE CITY PRINT AND INVITATION TO BID FOR A PORTABLE BAIT SHOP FOR RIDENOUR LAKE WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

PROPERTY MAINTENANCE COMMITTEE REPORT: Mayor Dave Casebolt said the Board had met recently, and Ron King has given out more than 100 property maintenance violations. He said a person was to be put on duty on weekends and evening from Public Works and he has assigned the Fire Department to follow up weekly on violations to see if they are being corrected.

ORDINANCE COMMITTEE REPORT: John Montgomery said the committee has been busy and will have possibly two new ordinances for the next meeting. They are meeting the first and third Thursday of each week at 2:30 pm in the NDA Boardroom.

PAVING COMMITTEE REPORT: Councilman Bill Javins said that because Mr. and Mrs. James Marrs signed the lease agreement for the parking area on First Avenue, the paving will proceed by way of Plan A with the amount being \$81,631.

WEB SITE SELECTION COMMITTEE REPORT: Recorder Rita Cox said the committee met recently and because of the high cost of designing a web site the committee was going to try and do as much as possible in house and with governmental advice and aid and Municipal League assistance. It is anticipated it will be ready by the first part of November.

ATTORNEY REPORT: Richie Robb said he would answer any questions from Council.

TREASURER REPORT: John Young said he had two bills for repairs to police vehicles that were damaged and repaired but no purchase order was obtained. COUNCILMAN CRAIG MATTHEWS MOVED THE REPAIRS FOR \$2108.00 AND \$2660.60 FOR REPAIRING TWO DAMAGED POLICE CARS BE PAID FROM THE POLICE DEPARTMENT BUDGET WITH A SECOND BY COUNCILMAN AL WALLS. VOTE WAS UNANIMOUS FOR THE MOTION.

MAYOR COMMENT: Mayor Dave Casebolt said he met recently with Army Corps of Engineers and they were optimistic something could be done with the swampy area around Kanawha, Washington and Dupont Avenue. They are returning on Thursday to do more studies.

Mayor Casebolt said John Montgomery has agreed to be the Mayor's representative on the Employee Civil Service Commission. Keith Tyler is the employees' representative and the two will pick the third member.

COUNCIL COMMENT:

Councilman Andy Shamblin said a resolution to the DanaTransport lawsuit is nearly complete. COUNCILMAN SHAMBLIN MOVED THE NDA REPORT AND MINUTES OF THE SEPTEMBER MEETING BE MADE A PART OF COUNCIL MINUTES WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilwoman Laurie Elkins said the clean up throughout the city seems to be working. She reminded everyone to buckle their seatbelt when riding in a vehicle.

Recorder Rita Cox said the Nitro Library is having a book sale on September 27, 28 and October 1.

Councilman Craig Matthews said that Mr. Simpson wants to give property to the city and have the city pay the back taxes. The property would be for public use. COUNCILWOMAN LAURIE ELKINS MOVED THE QUESTION OF THE SIMPSON PROPERTY BE MOVED TO THE ANNEXATION COMMITTEE AND THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN. VOTE WAS UNANIMOUS FOR THE MOTION.

PUBLIC COMMENT

Bob Schamber thanked the Nitro Police Department and said he was appreciative of the clean up.

John Montgomery said the Ordinance Committee will meet at 2:30 on Thursday in the NDA Boardroom.

Captain Brian Oxley said Make A Wish softball fundraiser had raised a substantial amount of money.

ADJOURNMENT: COUNCILMAN BILL JAVINS MOVED THE MEETING BE ADJOURNED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS.

DAVE CASEBOLT, MAYOR

RITA COX, RECORDER