

NITRO CITY COUNCIL  
MEETING MINTUES  
TUESDAY, OCTOBER 2, 2012

CALL TO ORDER: Mayor Dave Casebolt called the meeting to order at 7:00 pm in Council Chambers. Attending along with Mayor Casebolt were Recorder Rita Cox, Ward 2 Councilman Bill Racer, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Andy Shamblin, Councilmen at Large Craig Matthews and Bill Javins, Councilwoman at Large Brenda Tyler, City Attorney Richie Robb and City Treasurer John Young. Ward 1 Councilman Al Walls was not present.

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

FUTURE DATES OF COUNCIL: Mayor Dave Casebolt said the future dates of Council are October 16 and November 8 and 20.

Roger Hughes of the WV Treasurers Office told Council to check unclaimed property.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE SEPTEMBER 18, 2012 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTING FOR THE MOTION WERE RECORDER RITA COX, COUNCILWOMEN BRENDA TYLER AND LAURIE ELKINS, AND COUNCILMEN BILL JAVINS, CRAIG MATTHEWS, AND ANDY SHAMBLIN WITH COUNCILMAN BILL RACER ABSTAINING. THE MOTION CARRIED.

OLD BUSINESS

SECOND READING ORDINANCE-ADMINISTRATIVE/ARTICLE 135-CITY TREASURER: RECORDER RITA COX MOVED THE ORDINANCE-ADMINISTRATIVE/ARTICLE 135 RELATING TO THE CITY TREASURER BE PASSED ON SECOND READING BY TITLE ONLY WITH A SECOND BY COUNCILMAN ANDY SHAMBLIN. City Attorney Richie Robb said the passage of this ordinance will give the City Treasurer the authority to settle delinquent taxes of fees when the liability is no greater than \$10,000. The ordinance states that the delinquent taxpayer or fee payer will sign a settlement agreement stating the amount and accrued interest and the mayor or city recorder will also sign off on the agreement. The ordinance also requires the treasurer to report monthly to Council the taxes and fees settled in the preceding month. VOTE WAS UNANIMOUS FOR THE PASSAGE OF THE ORDINANCE ON SECOND READING.

2013 CALENDAR BIDS: RECORDER RITA COX MOVED THE TWO BIDS RECEIVED BE OPENED AND REFERRED TO A COMMITTEE CONSISTING OF MAYOR CASEBOLT, RECORDER COX, AND COUNCILWOMAN ELKINS TO STUDY THE BIDS. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS AND VOTE WAS UNANIMOUS FOR THE MOTION. The bids were from Fidelity Printing for \$2823.00 and Dunbar Printing for \$5333.00 for 28 pages, 5000 copies. Since the number of pages was not indicated in the bid from Fidelity, Recorder Rita Cox said she would find out the number before the committee meets.

NEW BUSINESS

FIRST READING ORDINANCE ARTICLE 505-ANIMALS AND FOWL: COUNCILWOMAN LAURIE ELKINS MOVED THE ORDINANCE ARTICLE 505-ANIMALS AND FOWL BE PASSED ON FIRST READING BY TITLE

ONLY WITH A SECOND BY COUNCILMAN BILL RACER. Richie Robb indicated the ordinance restricts the number of dogs and cat to three per house except by special permit and the ordinance section 505.34 puts restrictions on leaving an animal in a motor vehicle. THE MOTION CARRIED WITH A UNANIMOUS VOTE.

FIRST READING ORDINANCE-JUDICIAL/ARTICLE 173-MUNICIPAL COURT FEES: RECORDER RITA COX MOVED THE ORDINANCE-JUDICIAL/ARTICLE 173-MUNICIPAL COURT FEES BE PASSED ON FIRST READING AND THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN. John Montgomery said the ordinance contains the definition of DUI and non-moving violation. Robin Smith said this is the first increase in court costs since she began working here in 1988. Councilwoman Laurie Elkins asked if the increase was substantial enough and Robin Smith said that any increase has to be accounted for and justified and she felt this amount was enough currently and could be looked at in the future. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

FIRST READING ORDINANCE-ARTICLE 753-AMENDING ALARM SYSTEM REGISTRATION: Richie Robb said the intent of the amending of the ordinance was to give the Fire Department all the same considerations that were given to the Police Department when it came to responding to alarm systems. Councilman Craig Matthews said he is concerned that businesses will disable alarms if they are threatened with fines for too many false alarms so the number allowed should be increased. He thought the amount should be increased from two in a calendar year to four in a year or possibly three in a six month period. COUNCILMAN CRAIG MATTHEWS MOVED THE ORDINANCE BE TAKEN BACK TO ORDINANCE COMMITTEE FOR CHANGES AND A NEW FIRST READING IN THE FUTURE AND THE MOTION WAS SECONDED BY COUNCILMAN BILL RACER. VOTE WAS UNANIMOUS FOR THE MOTION. Councilman Racer said that he thought it should include a provision for a follow-up inspection within 90 days of a false alarm.

RESOLUTION DECLARATION OF ENVIRONMENTAL COVENANTS HEIZER CREEK LANDFILL: Richie Robb presented Council with a Resolution pertaining to the Heizer Creek Landfill which will authorize the Mayor to sign declaration of environmental covenants. Attorney Nate Bowles representing Monsanto said that the City of Nitro owns about 50 acres in the Heizer Creek area that was used as a landfill at one time and Monsanto used it in 1968 and 1969. Remediation of the land that was contaminated was paid for by Monsanto and Pharmacia and in 1999 by Resolution the City of Nitro gave permission for Monsanto's contractor to go in and do the remediation. There is now to be a restrictive covenant and Nitro owns approximately two acres and Monsanto owns approximately two acres. The land cannot be used. Councilman Racer asked if Monsanto was going to maintain the land and Mr. Bowles said that they would. COUNCILMAN CRAIG MATTHEWS MOVED COUNCIL PASS THE RESOLUTION DECLARATION OF ENVIRONMENTAL COVENANT WITH A SECOND BY COUNCILMAN BILL RACER AND VOTE WAS UNANIMOUS FOR THE MOTION.

PLANNING COMMISSION RECOMMENDATION LARRY BRANNON REQUEST/BROADWAY AVENUE: RECORDER RITA COX MOVED THE RECOMMENDATION OF THE PLANNING COMMISSION BE TABLED UNTIL THE NEXT MEETING WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

MUNICIPAL SERVICE FEE PRINTING CONTRACT: RECORDER RITA COX MOVED THE PRINTING OF THE MUNICIPAL SERVICE FEE BILLING BE AWARDED TO DUNBAR PRINTING WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

TRICK OR TREAT/HALLOWEEN HOEDOWN: COUNCILMAN CRAIG MATTHEWS MOVED TRICK OR TREAT BE OCTOBER 30 FROM 6:00-7:30 AND THE HALLOWEEN HOEDOWN BE FROM 7:00-9:30 AT THE CITY PARK AREA. THE MOTION WAS SECONDED BY RECORDER RITA COX AND VOTE WAS UNANIMOUS FOR THE MOTION.

COUNCILMAN CRAIG MATTHEWS MOVED THE HOUSE OF HOUNDS BE PERMITTED TO HOLD A PET PARADE OCTOBER 27 AT 6:00 PM ON MAIN AVENUE TO KAPOK AND BACK WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE MOTION.

PAVING COMMITTEE REPORT: Councilman Bill Javins said the paving was beginning on Dave Perry Way, Bank Street, 500 Michigan Avenue, Kanawha Avenue S. and a small section of Lock Street.

TREASURER REPROT: John Young said Council has been given an income statement.

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

MAYOR COMMENTS: Mayor Dave Casebolt said the Hisn and Hern Bait Shop would like to sponsor a catfish tournament at Ridenour Lake on October 21. COUNCILMAN CRAIG MATTHEWS MOVED THE CATFISH TOURNAMENT BE REFERRED TO PARKS AND REC COMMITTEE WITH A SECOND BY RECORDER RITA COX AND VOTE WAS UNANIMOUS FOR THE MOTION.

COUNCIL COMMENTS:

Councilman Andy Shamblin said the NDA will meet Tuesday, October 9 at 6:00 pm in the NDA Boardroom.

Councilwoman Laurie Elkins said there will be an Annexation Committee meeting after Council. She said the Army Corps of Engineers said the riverbank erosion qualifies for the PAS Program.

Councilman said three people passed the test to become lieutenant with the Fire Department, Robert Ely, Chad Mathes and Casey Mathes. He said there had been a resignation from the Fire Department.

COUNCILMAN BILL JAVINS MOVED THE MINUTES OF THE OCTOBER 1 MEETING OF THE CVB BE MADE A PART OF THE MINUTES WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. THE MOTION PASSED WITH A UNANIMOUS VOTE.

Councilwoman Brenda Tyler said she had been told someone was living at Shelter Four.

PUBLIC COMMENT

Bob Schamber said the federal audit of the Seniors had allowed them to keep 503C status.

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

Dickie Patton expressed displeasure at the speed bumps on his street. Chief Oxley said they were temporary and for safety.

Tifney Frank reminded Council to publicize the public hearing for the court costs going up.

The owner of Missy's Grooming said her signs were removed and destroyed.

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

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DAVE CASEBOLT, MAYOR

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RITA COX, RECORDER