

NITRO CITY COUNCIL
MEETING MINUTES
OCTOBER 16, 2012

CALL TO ORDER: Mayor Dave Casebolt called the meeting to order at 7:00 pm in Council Chambers. In attendance 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 Councilwoman Brenda Tyler and the Pledge of Allegiance was led by Delegate Patrick Lane.

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

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED THE MINUTES OF THE OCTOBER 2, 2012 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTING FOR THE MOTION WAS RECORDER RITA COX, COUNCILWOMEN BRENDA TYLER AND LAURIE ELKINS, AND COUNCILMEN CRAIG MATTHEWS, BILL JAVINS, AND ANDY SHAMBLIN. COUNCILMEN BILL RACER AND AL WALLS ABSTAINED. THE MOTION CARRIED.

RESOLUTION TO AUTHORIZE THE CONTRACT FOR WEST VIRGINIA LOCAL ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM/\$10,000 GRANT: Mayor Dave Casebolt introduced WV Delegate Patrick Lane who presented a \$10,000 grant to the City of Nitro from the Local Economic Development Program fund to be used for upgrades to the Cross Lanes-Nitro Little League Field. City employee and Little League volunteer Ivan Meadows accepted on behalf of the Little League Program. RECORDER RITA COX MOVED THE RESOLUTION AUTHORIZING THE CONTRACT FOR WV LOCAL ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM BE PASSED WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE PASSAGE OF THE RESOLUTION.

OLD BUSINESS

PUBLIC HEARING/ORDINANCE CHAPTER 7-JUDICIAL-ARTICLE 173-MUNICIPAL COURT/COURT COST, FEES AND FINES/"NON-MOVING VIOLATION" DEFINITION/"DUI" DEFINITION: RECORDER RITA COX MOVED THE PUBLIC HEARING BE OPENED WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION. Richie Robb read the ordinance by title only. Robin Smith said that the purpose of the ordinance was to help defray court cost and there had been no increase since she first came to work for the city. She said representatives of the WV Auditor's Office had said the increase has to be justified and with good reason. Richie Robb said the new ordinance includes a fee for \$8.00 to be assessed on all misdemeanor pleas or convictions except parking or non-moving violations and 20% of the assessed fine on DUI conviction or plea will go to Crime Victims Compensation Fund. A \$2.00 fee on all cases except parking ordinances will go to Law Enforcement Training Fund. R. Robb said the DUI fine will be \$55.00 and municipal cost will be \$25. John Montgomery said the Ordinance Committee had worked with Robin Smith on preparing the new ordinance. COUNCILMAN CRAIG MATTHEWS MOVED THE HEARING BE CLOSED WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

SECOND READING ORDINANCE CHAPTER 7-JUDICIAL-ARTICLE 173-MUNICIPAL COURT /COURT COSTS, FEES AND FINES/"NON-MOVING VIOLATION" DEFINITION/"DUI" DEFINITION: Richie Robb read the ordinance by title only. COUNCILMAN CRAIG MATTHEWS MOVED THE ORDINANCE BE PASSED ON SECOND READING BY TITLE ONLY WITH A SECOND BY COUNCILMAN ANDY SHAMBLIN. VOTE FOR PASSAGE OF THE ORDINANCE WAS UNANIMOUS.

SECOND READING ORDINANCE ARTICLE 505 ANIMALS AND FOWLS: Richie Robb read the Ordinance 505 Animals and Fowls by title only. He said the purpose was to add three new sections, 505.32, 505.33 and 505.34 relating to the care and restraint of dogs and care of cats, prohibiting the keeping of more than three dogs or cats in any dwelling except by special permit, and making unlawful the leaving of an animal confined in a vehicle during extreme weather conditions. COUNCILMAN AL WALLS MOVED THE ORDINANCE BE PASSED ON FIRST READING WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. THE MOTION CARRIED.

DOG PARK FENCE BIDS: Councilman Craig Matthews oversaw the opening of five bids to put fencing at the Dog Park at Ridenour Lake. The bids were as follows: WV Fence & Gates 16 ga. frame-\$5900/ 5520 frame-\$6500; McNeil Fence-\$10,470; Whittington Fence-\$8700; All Quality-\$14,760; Hedrick's Fence-\$8559/ \$9982. COUNCILMAN MATTHEWS MOVED THE BIDS BE REFERRED TO PARKS AND RECREATION COMMITTEE FOR CONSIDERATION AND TO REPORT TO COUNCIL WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

CALENDAR BIDS SELECTION: RECORDER RITA COX MOVED THE BID TO PUBLISH THE 2013CALENDAR BE AWARDED TO DUNBAR PRINTING FOR 5000 CALENDARS AT \$5333. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS AND VOTE WAS UNANIMOUS FOR THE RESOLUTION TO CARRY.

NEW BUSINESS

FIRST READING ORDINANCE ARTICLE 753 AMENDING ALARM SYSTEM REGISTRATION: Richie Robb read the Ordinance Article 753/Alarm System Registration by title only. COUNCILMAN CRAIG MATTHEWS MOVED THE ORDINANCE TO AMEND SECTIONS 753.01, 753.02, AND 753.99 OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WV, AS AMENDED, RELATING TO ALARM SYSTEMS; AMENDING DEFINITIONS TO INCLUDE FIRE ALARMS; REQUIRING THE REGISTRATION OF FIRE ALARMS; AND PROVIDING FINES FOR FALSE ALARMS. THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN AND VOTE WAS UNANIMOUS FOR THE MOTION.

POTENTIAL SALE OF NITRO PROPERTY ON HEIZER CREEK: Mayor Dave Casebolt said he would like in the future to foster discussion of the property owned by the City of Nitro on Heizer Creek and seek opportunities to potentially put it up for sale. He said he would like to see it brought up at a future meeting.

FEE FOR ASBESTOS INSPECTION: Mayor Dave Casebolt said the Public Works Director A. J. Hill had recently taken training to be a licensed asbestos inspector which can aid the city in demolishing buildings in the future. COUNCILMAN CRAIG MATTHEWS MOVED THE ISSUE OF A FEE FOR ASBESTOS INSPECTION BE MOVED TO THE ORDINANCE COMMITTEE WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

CVB BOARD APPOINTMENT: Mayor Dave Casebolt introduced Nitro resident Mike Zirkle to Council. COUNCILMAN CRAIG MATTHEWS MOVED MIKE ZIRKLE BE APPOINTED TO THE CVB BOARD OF DIRECTORS WITH A SECOND BY COUNCILMAN AL WALLS. VOTE WAS UNANIMOUS FOR THE MOTION. Mayor Dave Casebolt said the next meeting of the CVB is November 5 at 6:00 pm in the NDA Boardroom.

PLANNING COMMISSION RECOMMENDATION/LARRY BRANNON REQUEST TO ABANDON CITY PROPERTY/308 BROADWAY AVENUE: COUNCILMAN CRAIG MATTHEWS MOVED THE LARRY BRANNON REQUEST TO ABANDON PROPERTY BE MOVED FROM THE TABLE WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE MOTION. Recorder Rita Cox said the Planning Commission met recently to consider the request of Larry Brannon to abandon a strip of land at 303 Broadway Avenue in front of his home to make it the same distance from the middle of the street to the edge of the property as it is for other houses on the street. The Planning Commission considered the request and voted to recommend to Council that the City of Nitro abandon the strip of land. RECORDER RITA COX MOVED COUNCIL VOTE TO ABANDON TO LARRY BRANNON THE STRIP OF LAND IN FROM OF HIS PROPERTY AT 303 BROADWAY AVENUE. THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN AND VOTE WAS UNANIMOUS FOR THE MOTION.

NDA REPORT: Councilman Andy Shamblin said the NDA met on Tuesday, October 9 and that NDA President Herschel Facemyre announced he would be resigning as president. COUNCILMAN ANDY SHAMBLIN MOVED THE MINUTES OF THE OCTOBER 9 MEETING OF THE NDA BE MADE A PART OF THE COUNCIL MINUTES. THE MOTION WAS SECONDED BY COUNCILMAN CRAIG MATTHEWS AND VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

PAVING REPORT: COUNCILMAN BILL JAVINS MOVED THE RECORD REFLECT THAT THE CHOICE FOR THE PLAN A AND PLAN B PAVING PROJECTS PASSED AT THE OCTOBER 2, 2012 MEETING OF COUNCIL WERE TO BE DONE BY WEST VIRGINIA PAVING WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

PARKS AND RECREATION COMMITTEE REPORT: COUNCILMAN CRAIG MATTHEWS MOVED THE BID BY TAYLOR SPORTS EQUIPMENT FOR \$11,747 BE APPROVED FOR THE PLAYGROUND EQUIPMENT FOR SHELTER FOUR PLAYGROUND AT RIDENOUR PARK. THE MOTION WAS SECONDED BY COUNCILWOMAN LAURIE ELKINS AND VOTE WAS UNANIMOUS FOR THE MOTION. Councilman Matthews said the House of Hounds Halloween Parade is 4:00 to 7:00 on October 27 starting at Gum Street, the seating for the gazebo should be here in December, and the Catfish Tournament is October 21 at Ridenour Lake.

ANNEXATION COMMITTEE REPORT: COUNCILWOMAN LAURIE ELKINS MOVED THE MINUTES OF THE SEPTEMBER 4 MEETING OF THE ANNEXATION COMMITTEE BE MADE A PART OF COUNCIL MINUTES WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

ATTORNEY REPORT: Richie Robb said he had no formal report but would take questions from Council.

TREASURER REPORT: John Young said the city revenues were in good shape and that most departments were currently under budget.

MAYOR COMMENT: Mayor Dave Casebolt said Fire Chief Ernest Hedrick was retiring on November 3, 2012 and he appreciates his years of service to the city. He said on October 23 Summit Helicopter will be bringing power lines across the Kanawha River to prepare for the bridge coming down. He said the

final Economic Enhancement meeting will be October 18 at 11:0 am in Council Chambers with Mike Daughtery of Morgantown. He said that due to the work of Chief Oxley and department heads, the city will be reimbursed \$35,000 from FEMA for the storm cleanup this past summer. He said that the light tubes will be put on the practice football field soon.

COUNCIL COMMENTS:

COUNCILMAN ANDY SHAMBLIN MOVED \$500 BE GIVEN TO THE NITRO ELEMENTARY SCHOOL FALL FESTIVAL FROM THE HOTEL MOTEL TAX WITH A SECOND BY COUNCILMAN AL WALLS. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilwoman Laurie Elkins said the Army Corps of Engineers were working with the city to come up with a plan for the 500 and 600 area of Dupont Avenue and for the riverbank at city park. The next step is a letter of interest and a PAS study that show the scope of work necessary. COUNCILWOMAN LAURIE ELKINS MOVED THE INTEREST IN A GEOCACHE AREA AT RIDENOUR LAKE BE REFERRED TO PARKS AND RECREATION COMMITTEE WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilman Craig Matthews said there is a Parks and Recreation Committee meeting at 11:00 October 23 in Council Chambers.

Councilwoman Brenda Tyler asked if the parking at the Veterans Memorial on 21st Street and First Avenue would be restored to handicap accessible. Mayor Casebolt said that it would.

PUBLIC COMMENT

John Montgomery said the Ordinance Committee will meet on Thursday, 2:00 pm, NDA Boardroom.

ADJOURNMENT

COUNCILMAN AL WALLS MOVED THE MEETING BE ADJOURNED WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION.

MAYOR DAVE CASEBOLT

RECORDER RITA COX