

NITRO CITY COUNCIL
MINUTES
TUESDAY, DECEMBER 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, Councilwoman at Large Brenda Tyler, Councilmen at Large Bill Javins and Craig Matthews, Ward 1 Councilman Al Walls, Ward 2 Councilman Bill Racer, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Andy Shamblin, City Treasurer John Young and City Attorney Richie Robb.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilwoman Brenda Tyler and the Pledge of Allegiance was led by Bob Schamber.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are Thursday, January 3 and January 15.

APPROVAL OF COUNCIL MINUTES: RECORDER COX MOVED THE MINUTES OF THE DECEMBER 4 MEETING OF COUNCIL BE APPROVED WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTING FOR THE MOTION WERE RECORDER COX, COUNCILWOMAN ELKINS, COUNCILMEN SHAMBLIN, MATTHEWS, RACER AND WALLS. ABSTAINING WERE COUNCILWOMAN TYLER AND COUNCILMAN JAVINS. THE MOTION CARRIED.

OLD BUSINESS

PUBLIC HEARING ON ARTICLE 915/SEWER REGULATIONS AND RATES: COUNCILMAN CRAIG MATTHEWS MOVED THE PUBLIC HEARING BE OPENED ON AN ORDINANCE RELATING TO THE RATES AND CHARGES FOR SERVICES RENDERED BY THE NITRO REGIONAL WASTE WATER UTILITY; ESTABLISHING RATES AND CHARGES FOR FUTURE SERVICES RENDERED; ESTABLISHING REQUIREMENT FOR A SECURITY DEPOSIT; ESTABLISHING DISCHARGE/HAULER RATES; AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS. Samme Gee, attorney for the Nitro Regional Waste Water Utility read the primary items covered in the Ordinance which included an increase of 11 ½% beginning February 1, 2013 and a 7% increase beginning February 1, 2014. She said the last rate increase was in 2005. The first increase is to get the utility in agreement with the bond requirement of 115% instead of the current 113% and the second increase is to fund improvements. Bob Schamber said he is pleased that improvements will be made in his area of Blakes Creek Road. Councilman Bill Javins asked if the improvements included Cross Lanes Drive and the response was that it did not. COUNCILMAN MATTHEWS MOVED THE PUBLIC HEARING BE CLOSED WITH A SECOND BY RECORDER COX. VOTE WAS UNANIMOUS FOR THE MOTION.

SECOND READING ARTICLE 915/SEWER REGULATIONS AND RATES RELATING TO SERVICES RENDERED BY THE NITRO REGIONAL WASTE WATER UTILITY: Richie Robb read Ordinance Article 915/Sewer Regulations and Rates Relating to Services Rendered by the Nitro Regional Waste Water Utility. COUNCILMAN CRAIG MATTHEWS MOVED THE ORDINANCE ARTICLE 915 BE PASSED ON SECOND READING WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. THE MOTION CARRIED WITH A UNANIMOUS VOTE.

POLICE DEPARTMENT RANKING STRUCTURE: Councilman Matthews said the current Police Department ranking structure is based on an eight hour shift and we have gone to 12 hour shifts. Chief Brian Oxley

said he recommends eliminating the corporal position. He said the current ranking structure does not always mean there is a supervisory rank on duty with the 12 hour shift. This would also require an adjustment to the pay structure but it could be done while still remaining in budget. Councilman Matthews said his opinion was as long as the department was within budget it was a decision between the mayor and police chief. Chief Oxley said the Deputy Chief would be given the rank of major and that he had consulted an attorney to determine the legality of doing this. COUNCILMAN MATTHEWS MOVE THE REQUEST BE MOVED TO THE POLICE CIVIL SERVICE COMMITTEE TO REVIEW AND FOLLOWING THEIR REVIEW AND RECOMMENDATION IT BE IMPLEMENTED AT THE MAYOR'S DISCRETION. COUNCILMAN WALLS SECONDED THE MOTION AND VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

Councilman Craig Matthews said the Police and Fire Committee met on December 17 at 7:00 pm and it was determined that the pay rate for the journeyman position was incorrectly approved in the contract with the firemen. The amount to be paid to journeyman was thirteen cents less than it should have been in the memorandum of understanding with the Fire Department and the wages for firemen under this position are calculated based on the journeyman's salary. COUNCILMAN CRAIG MATTHEWS MOVED THE JOURNEYMAN SALARY AND ALL AFFECTED SALARIES BE ADJUSTED TO REFLECT THE THIRTEEN CENT INCREASE AND BACK PAY GIVEN TO THE FIREFIGHTERS WHO DID NOT RECEIVE THE CORRECT AMOUNT. THE MOTION WAS SECONDED BY RECORDER RITA COX AND VOTE FOR THE MOTION TO CARRY WAS UNANIMOUS.

NEW BUSINESS

CHRISTMAS EVE HOLIDAY: COUNCILMAN BILL JAVINS MOVED THAT EMPLOYEES BE GIVEN MONDAY, DECEMBER 24 OFF AS A PAID HOLIDAY AND PAY BE GIVEN ON FRIDAY, DECEMBER 21. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS AND VOTE WAS UNANIMOUS FOR THE MOTION.

NDA REPORT: COUNCILMAN ANDY SHAMBLIN MOVED BILL FORTUNE BE APPOINTED TO THE NDA BOARD OF DIRECTORS WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION.

TELEPHONE SYSTEM SELECTION COMMITTEE REPORT: Recorder Rita Cox said the Telephone System Selection Committee had met recently. The Committee requested Robin Smith look over the bids that were submitted with the committee meeting again in early January.

ATTORNEY REPORT: Richie Robb said that he was prepared to answer any questions from Council.

TREASURER REPORT: COUNCILMAN CRAIG MATTHEWS MOVED COUNCIL ACCEPT THE TREASURER REPORT WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION. John Young submitted Council with a planned schedule for the B & O distribution to Nitro, St. Albans and Kanawha County from Ahern for work on the Nitro-St. Albans Bridge. He pointed out that this does not include B & O tax from subcontractors. COUNCILWOMAN LAURIE ELKINS MOVED COUNCIL ACCEPT THE B & O TAX PAYMENT SCHEDULE FROM AHERN WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION. The payment distribution is to be as follows: for each \$100 earned by Ahern a Division of Kokosing Construction Company the B & O tax will be outside of corporation lines, \$0.56; to the St. Albans, \$0.40; to Nitro, \$1.04.

MAYOR COMMENTS: Mayor Dave Casebolt said that he believed since the amount of B & O taxes potentially lost during the Nitro-St. Albans Bridge shutdown is an unknown factor, the money received

from the B & O taxes on the bridge repair should be saved in a rainy day fund. COUNCILMAN AL WALLS MOVED THE B & O FROM THE BRIDGE NITRO-ST. ALBANS BRIDGE RECONSTRUCTION BE PLACED IN AN INTEREST BEARING RAINY DAY ACCOUNT WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION. Treasurer John Young said the amount would be approximately \$245,800. Mayor Casebolt said he thought the Christmas parade was a success.

COUNCIL COMMENTS

RECORDER RITA COX MOVED THE 2013 NITRO FIREMAN'S PENSION BOARD BUDGET BE MADE A PART OF THE MINUTES WITH A SECOND BY COUNCILMAN ANDY SHAMBLIN. VOTE WAS UNANIMOUS FOR THE MOTION.

Councilman Andy Shamblin wished all a Merry Christmas.

Councilwoman Laurie Elkins thanked John Young for his work in maintaining the finances of the city.

Councilman Bill Racer announced he would be retiring from his job. He said he hoped to have more time to serve on committees for the city.

Councilman Craig Matthews wished everyone a Merry Christmas.

Councilman Bill Javins said the event with Santa at Nitro High School was a success.

Councilwoman Brenda Tyler said the annual food basket program with food for about one month and toys for needy children had been very successful.

PUBLIC COMMENT

Bob Schamber wished everyone a Merry Christmas and presented a \$1000 contribution to updating the Mayor's office.

Chief Brian Oxley said Amy Fulks had taken training to be a child safety seat technician. This required a training course that enables her to show parents how to install the seat and then they are able to install it themselves. RECORDER RITA COX MOVED THE LETTER OF COMMENDATION AND RECOGNITION OF AMY FULKS BE MADE A PART OF THE MINUTES WITH A SECOND BY COUNCILMAN CRAIG MATTHEWS. VOTE WAS UNANIMOUS FOR THE MOTION TO PASS.

ADJOURNMENT

COUNCILMAN CRAIG MATTHEWS MOVED THE MEETING BE ADJOURNED AND THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO PASS.

DAVE CASEBOLT, MAYOR

RITA COX, RECORDER