

NITRO CITY COUNCIL  
MINUTES  
TUESDAY, APRIL 2, 2013

CALL TO ORDER: The meeting was called to order at 7:00 pm in Council Chambers. Recorder Rita Cox chaired the meeting and attending were Councilwoman at Large Brenda Tyler, Councilmen at Large Bill Javins and John Montgomery, Ward 1 Councilman Al Walls, Ward 2 Councilman Bill Racer and Ward 4 Councilman Andy Shamblin, City Attorney Johnnie Brown, and City Treasurer John Young. Mayor Dave Casebolt and Ward 3 Councilwoman Laurie Elkins were absent.

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: Recorder Rita Cox said the future dates of Council are April 16, May 7 and 21.

APPROVAL OF COUNCIL MINUTES: COUNCILWOMAN BRENDA TYLER MOVED THE MINUTES OF THE MARCH 19, 2013 MEETING OF COUNCIL BE APPROVED AND COUNCILMAN AL WALLS SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

HARVEY PEYTON/CONCERNS ABOUT VACANT PROPERTY ON FIRST AVENUE BETWEEN 27<sup>TH</sup> AND 28<sup>TH</sup> STREET: Harvey Peyton addressed Council concerning the property on First Avenue near his office and home. He said that he appreciated Mayor Casebolt's rapid response to the recent incident when a log truck got stuck. He said the problems were ongoing and he feared for the safety of children in the neighborhood. He presented pictures of the property. He said he hoped the new vacant structure registration ordinance would address some of the problems. City Attorney Johnnie Brown assured Mr. Peyton that the City of Nitro took his concerns seriously and would address them.

OLD BUSINESS

AGREEMENT WITH CARL AND COOKIE CLENDENIN FOR PROPERTY DONATION TO CITY OF NITRO ON 20<sup>TH</sup> STREET: Johnnie Brown requested this item be postponed to a later meeting.

FORMATION OF COMMITTEE TO STUDY USES OF DONATED PROPERTY ON 20<sup>TH</sup> STREET: COUNCILMAN BILL JAVINS MOVED A COMMITTEE BE FORMED OF MAYOR CASEBOLT, RECORDER COX, COUNCILMAN MONTGOMERY, CHIEF ELKINS AND CHIEF OXLEY, AND TREASURER YOUNG TO STUDY USES OF DONATED PROPERTY ON 20<sup>TH</sup> STREET. THE MOTION WAS SECONDED BY COUNCILMAN SHAMBLIN. VOTING FOR THE MOTION WERE COUNCILWOMAN TYLER, COUNCILMEN JAVINS, RACER, WALLS AND SHAMBLIN. COUNCILMAN MONTGOMERY ABSTAINED AND THE MOTION CARRIED.

OPENING FIRE DEPARTMENT ROOF BIDS: Recorder Rita Cox distributed the bids for a new roof for the fire department bay. The bids were as follows: Boggs Roofing, \$11,200; WTI, \$18,880; Absolut Roofing, \$9400; Tri-State Roofing, \$15,243. COUNCILMAN ANDY SHAMBLIN MOVED A COMMITTEE BE FORMED OF MAYOR CASEBOLT, RECORDER COX, CHIEF ELKINS AND TREASURER YOUNG TO STUDY THE BIDS AND REPORT BACK TO COUNCIL. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS. VOTE WAS UNANIMOUS FOR THE MOTION.

2013-2014 FISCAL YEAR BUDGET: City Treasurer John Young said the budget document will be published in the Charleston newspaper on Friday, April 19 and 26 and Council will lay the levy at the April 16, 2013 meeting of Council.

#### NEW BUSINESS

FIRST READING ORDINANCE PART EIGHTEEN, ARTICLE 1810: VACANT STRUCTURE REGISTRATION: Johnnie Brown read by title only an Ordinance to amend Part Eighteen of the Codified Ordinances of the City of Nitro, WV, as amended, by adding thereto a new Article designated 1810, all relating to the Registration of Vacant Structures for purposes of the Property Maintenance Ordinance; providing the purpose, authority and authorization of the article; providing definitions; requiring the owner of a vacant structure to register a vacant structure; authorizing investigations to determine if structures are not occupied; requiring notices when structures found to be vacant; establishing the assessment of fees for a vacant structure; authorizing the collection of fees; establishing liability for failure to register a vacant structure establishing the Vacant Structure Registration Fund; establishing the right of a structure owner to appeal a determination of the City; exempting certain structures from registration; requiring the development of forms; compliance with other municipal code provisions; and establishing an effective date of the ordinance. COUNCILMAN ANDY SHAMBLIN MOVED THE ORDINANCE BE PASSED ON FIRST READING BY TITLE ONLY ORDINANCE PART EIGHTEEN, ARTICLE 1810, VACANT STRUCTURE REGISTRATION. THE MOTION WAS SECONDED BY COUNCILMAN BILL RACER AND VOTE WAS UNANIMOUS FOR THE MOTION.

PARKS AND RECREATION COMMITTEE RECOMMENDATION: COUNCILMAN BILL JAVINS MOVED COUNCILMAN ANDY SHAMBLIN BE APPOINTED TO THE PARKS AND RECREATION COMMITTEE WITH A SECOND BY COUNCILMAN JOHN MONTGOMERY. VOTING FOR THE MOTION WERE COUNCILWOMAN BRENDA TYLER, COUNCILMEN BILL JAVINS, JOHN MONTGOMERY, BILL RACER AND AL WALLS. COUNCILMAN ANDY SHAMBLIN ABSTAINED AND THE MOTION CARRIED.

CVB REPORT: Councilman Bill Javins reported the Easter Egg Hunt was a big success. There is a bass tournament scheduled for April 19 and 20 and the CVB has enough in revenue in the budget to purchase inflatables to be used at events. COUNCILMAN BILL JAVINS MOVED THE CVB BUDGET FOR FISCAL YEAR 2013-2014 BE MADE A PART OF COUNCIL MINUTES WITH A SECOND BY COUNCILMAN AL WALLS. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO CARRY.

MAYOR APPOINTMENT TO EMPLOYEE CIVIL SERVICE COMMISSION: COUNCILMAN AL WALLS MOVED HERCHEL FACEMYRE BE APPROVED AS MAYOR DAVE CASEBOLT'S APPOINTMENT TO THE EMPLOYEE CIVIL SERVICE COMMISSION WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

TREASURERS REPORT: COUNCILMAN ANDY SHAMBLIN MOVED THE TREASURER REPORT SUBMITTED BY JOHN YOUNG BE ACCEPTED AS PRESENTED WITH A SECOND BY COUNCILMAN JOHN MONTGOMERY. VOTE WAS UNANIMOUS TO CARRY.

#### COUNCIL COMMENTS

Councilman Andy Shamblin said the NDA will meet at 6:00 pm April 9 in the NDA Boardroom. He said the Easter Egg Hunt was a big success and specifically named Kelly Pruet and A. J. Hill for all the work that put into the activities for that day.

Councilman Bill Javins thanked City Treasurer John Young for all the work he put into the budget for fiscal year 2013-2014.

Councilman John Montgomery said the Ordinance Committee will not meet on Thursday, April 4 as scheduled. COUNCILMAN JOHN MONTGOMERY MOVED THE REPORT ON THE MARCH 21, 2013 MEETING OF THE ORDINANCE COMMITTEE BE MADE A PART OF COUNCIL MINUTES WITH A SECOND BY COUNCILMAN AL WALLS. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO CARRY.,

#### PUBLIC COMMENTS

Bob Schamber said that there is a bus trip planned for April 13 and they are currently working on the budget for the fiscal year 2013-2014. He also acknowledged the recent death of Nitro Senior Charles Boggs and said he will be missed.

ADOURNMENT: COUNCILMAN AL WALLS MOVED FOR ADJOURNMENT WITH A SECOND BY COUNCILMAN BILL JAVINS. THE MOTION CARRIED WITH A UNANIMOUS VOTE.

---

DAVE CASEBOLT, MAYOR

---

RITA COX, RECORDER