

The regular monthly meeting of the Beverly Town Council was held Monday, May 13, 2019, at 6:30 pm in the council chambers of the Beverly Town Hall. The meeting was called to order by Mayor Cindy Karelis. Those present were Recorder Barbara Smith, council members Connie Pingley, Matt Lewis, Becky Weese, Rodney Cooper and David Harper, newly appointment replacement for Tena Pritt. Visitors included Debbie Stalnaker, Mark Scott, Chris Mielke, Barb McCreary, Phyllis Baxter, Cory Weese, Robbie Moyer, Andy Burns, Kenny Weese, Jarrod Phillips, Donnie Pritt, David Sturdivant, Robin Wilson, Eric Coberly, Katie Whittaker, Arden Swecker and Rhett Dugenburg.

Recorder Smith swore in David Harper, who will serve as council replacement for Tena Pritt thru June 2019.

Barbara McCreary from the Beverly Landmarks Commission reported that the Beverly Design Committee is meeting in the morning, May 14. She said some of the flowers that are seen throughout town are actually coming up from last year but more are being planted. She asked if anyone was interested in helping the committee with any of the projects to please contact them. She thanked the Town for having the Huttonsville inmates help with cleaning the town and Rich Mountain Battlefield. Mayor Karelis reminded Mrs. McCreary to turn receipts into the town for the committee's reimbursement.

Mark Scott wanted the Mayor and public to know he was not saying that the Mayor was changing the minutes when she edited Ms. Smith's minutes. At a previous meeting, Mr. Scott made reference to changes made to the minutes by Mayor Karelis. For clarification, Recorder Smith previously had Mayor Karelis review/proof minutes and include WV state codes where needed. Mr. Scott said it was not wrong for the Mayor to add information to the minutes as long as the additions or changes were made so noted in the minutes.

Eric Coberly from E.L. Robinson gave an update on the sewer project. The water flow has been monitored since November/December, lids have been pulled, and the pumping stations have been watched, especially the pumping station coming from Bruce Hardwood. There are issues with the Dodson Run man holes. He said that flow monitoring, more in-depth smoke detection; running cameras up the lines will give them better ideas of what to do. The next step is a study and report phrase and coming together with the town and Region VII. He said we need to see what we can take out before we know what we have to do. He feels the plant isn't big enough to handle the area Beverly has taken on since the plant was built. Most of last year's monthly gallons were 80% over what the DEP recommends.

Phyllis Baxter, Beverly Historic Landmarks Commission, presented the commission's yearly report. Her report included work done on the Randolph County Jail located on Walnut Street. She said terms for Linda Peterson and Janet Gould are expiring soon, but both women are interested in serving another term.

Chris Mielke, AmeriCorps, excited everyone with his report of a Saturday tour on History of the Women of Beverly. The tour will include Civil War romance, shocking case of liabile in the courthouse and an interracial marriage. The town has three books that date back to the 1800's that were given to the town by John McGee. Two of the books show fine receipts of deceased local residents. Council shared their concerns about displaying those two books at the Heritage Center, but council agrees that all three books need to be preserved. The Mayor has several articles from the town that needs preserved. The town is interested in loaning or giving these to the Beverly Historic Preservation for safe keeping.

Troy Ware was not present for his informal presentation.

Minutes for the meeting of April 16, 2019 were approved.

WATER & SEWER BOARD MODIFIED ORDINANCES – 2ND READING

A motion was made by Mrs. Weese to approve and adopt the 2nd and final reading of an ordinance modifying the residency requirement of a previously adopted ordinance providing for the creation of a Water Board for the Town of Beverly. Motion seconded by Mrs. Pingley, all in favor.

Mayor Karelis stated a Water Board meeting is scheduled at 7:30 pm on Thursday, May 16, 2019.

A motion was made by Mr. Harper to approve and adopt the 2nd and final reading of an ordinance modifying the residency requirement of a previously adopted ordinance providing for the creation of a Sewer Board for the Town of Beverly. Motion seconded by Mr. Cooper, all in favor.

Mayor Karelis stated a Sewer Board meeting is scheduled at 6:30 pm on Thursday, May 16, 2019.

NOTE:

In email sent to the recorder on May 14, 2019, Mayor Karelis wrote "I want the record to show that I provided to Council members and visitors the following: 1. The April 1, 2019, meeting minutes that show where I confirmed for the record that the Water Board could increase the number of members (Sanitary Board cannot because we are not acquiring another system). 2. The email message from Municipal Bond lawyer, John Stump, confirming that the Water Board can have as many members as Council approves. 3. **AND THIS THE MOST IMPORTANT – The email John Stump sent me suggested that the ordinance(s) passed – both Water and Sanitary – should include language that promises compliance with WV Code 16-13A-1 (Sanitary) and WV Code 8-20-1 (Water).**"

Please include the fact that Council moved forward with the adoption of the utility board ordinances choosing to leave out any provision for extra members or any statement of allegiance to the language of WV Code.

The mayor goes on record that she provided and sought out what was requested by both Council and the boards (i.e. additional members) and was working to put that in the ordinance she and attorney Chenoweth were cooperating in constructing when Councilwoman Pingley intervened.

I want the record to show that I did not agree with leaving out the language stating compliance with any applicable WV Code.”
END OF EMAIL.

BUSINESS/BUILDING LICENSE FEE RESOLUTION AMENDED

A motion was made by Mr. Lewis to accept the amended resolution setting fee schedule for activities and services performed for the Town of Beverly or its agents in carrying out its responsibilities under the 2015 international property maintenance code. (See attachment #1, dated 5/13/2019). Motion seconded by Mrs. Weese, all in favor.

IPMC REED MEDIATION

The Brad Reed trial has postponed for a mediation hearing. This hearing will be held on May 23, 2019 in Clarksburg. A summary judgement is scheduled for June 26, 2019. A new trial date has been set for July 5, 2019, if the mediation hearing is not acceptable.

PERSONNEL COMMITTEE

A motion was made by Mrs. Pingley to replace former council woman, Tena Pritt on the Personnel Committee with Matt Lewis. Motion second by Mrs. Weese with all in favor. The Attorney General's office will be contacted in regards for payment to members of the Personnel Committee for attending meetings. Discussion was held on the issue of how many members should be on the committee and it was agreed to table the discussion until the new council was sworn in.

ARTIFACT DONATION/LENDING AGREEMENT – BHC

With concerns regarding environmental issues of the books donated by Mr. McGee and the other historical papers the town has, a motion was made by Mr. Lewis to give them to Historic Beverly Preservation for display with display exception of the two earlier discussed books that show personal names in them. Motion seconded by Mrs. Weese, all in favor.

SALE OF DUMP TRUCK

A motion was made by Mr. Cooper to take the proper procedure to place an ad in the Intermountain to sale the 2000 Ford F350 Super Duty Long Bed truck. Motion seconded by Mrs. Weese, all in favor.

CLARIFICATION – HOTEL FOR WVU LAND USE PLANNING CLINIC

Mayor Karelis asked for hotel clarification for her to go to the WVU Land Use Planning Clinic. A motion was made by Mr. Lewis to pay for her hotel reservation while she attended the clinic. Motion seconded by Mrs. Weese, all in favor.

BEVERLY HISTORICAL LANDMARKS COMMISSIONER APPOINTMENT

A motion was made by Mr. Harper to appoint Linda Peterson and Janet Gould as commissioners to the Beverly Historical Landmarks Commission with terms expiring in 2022. Seconded by Mr. Cooper with all in favor.

CANVAS OF BALLOTS

A canvas of ballots for Town of Beverly municipal election held May 6, 2019, was taken by council members, with the following results:

Andy Burns 69
Connie Pingley 47
Barbara Smith 102
Becky Weese 84
Matt Lewis 85
Becky Arbogast 36
Deborah Stalnaker 78
Robbie Moyer 59
Bob Conners 47
Katie Whittaker 72

A motion was made by Mr. Harper that \$300.00 be set as bond for a recount if any were called. Motion seconded by Mr. Cooper, with all in favor. A meeting is set for May 16, 2019 at 6:00 pm if any person wants to declare a recount.

INTERNET ACCESS TO CHECKING

Robin Wilson explained the town now accepts payment from the State Police for their utilities by on line banking. Now whenever the State Auditor sends payments to the town, they also come by on line banking. The problem, she explained, is all payments from the state go into

the Water Account. If she was granted access to the on-line checking accounts, she could move the money out of the water account and into the account it rightly belongs. A motion was made by Mr. Lewis to give Robin Wilson, who is bonded, permission to have internet access to the town's checking accounts for this purpose. Motion seconded by Mr. Cooper, all in favor.

MEMORIAL BENCH PLAQUES

The memorial bench plaques have been tabled till a later date.

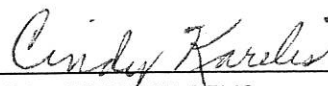
APPROVAL OF VENDOR INVOICES

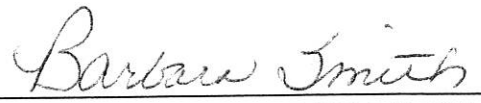
A motion was made by Mr. Lewis to pay the invoices in the amount of \$2792.61. Seconded by Mrs. Weese, all in favor.

UPDATES

Council members were given the 2019 Consumer Confidence Report which will be printed in the Intermountain for public viewing.

Motion made to adjourn by Mrs. Weese, second by Mr. Lewis. Meeting adjourned at 9:34 pm.


MAYOR: CINDY KARELIS


RECORDER: BARBARA SMITH

**AMENDED RESOLUTION SETTING FEE SCHEDULE FOR ACTIVITIES AND SERVICES PERFORMED
FOR THE TOWN OF BEVERLY OR ITS AGENTS IN CARRYING OUT ITS RESPONSIBILITIES UNDER
THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE**

WHEREAS, the Common Council of the Town of Beverly recently enacted an Ordinance adopting the 2015 version of the IPMC; and

WHEREAS, Section 103.5 of the State Building Code allows the Town of Beverly Council to set forth in a fee schedule "the fees for activities and services performed by Town of Beverly personnel or its agents in carrying out the responsibilities under this code" adopted by the Council by Resolution; and

WHEREAS, all information regarding such fees is made readily available to the public at the Town of Beverly Town Hall, 5 Walnut Avenue, Beverly, West Virginia; and

WHEREAS, the Common Council has determined that it is in the best interest of the citizens and residents of the Town of Beverly to list the following building code fees associated with its enforcement:

- (a) **For New Construction and Additions, for Residential Renovation, Restoration, or Remodeling of Existing Structures, for Residential Porches, Decks, Garages and other Accessory Structures:** Building Permit Fees – up to \$1,000 = \$15.00; over \$1,000 = \$10.00 per \$1,000
- (b) **For Commercial Construction, Additions and Accessory Structures:** Building Permit Fees – up to \$1,000 = \$15.00; over \$1,000 = \$10.00 per \$1,000
- (c) **For Contractor's License:** \$40.00 Flat Rate per job
- (d) **For Business License:** Minimum \$15.00 – Maximum \$1,500, with variant amounts for different businesses totaled (ex. Restaurant = \$15.00 + Alcohol Sales \$150.00 = \$165.00)
- (e) **For IPMC Violations not addressed within 20 Days of Notification:** \$50.00 for the first day and \$50 for each additional day until rectified

NOW, THEREFORE, BE IT RESOLVED by the Town of Beverly Common Council, that, pursuant to the adoption of the 2015 International Property Maintenance Code by second and final reading on November 13, 2017, that the above fees represent a true and accurate rendering of those charged by the town.

PASSED AND APPROVED at a regular meeting of the Town of Beverly Common Council, Beverly, West Virginia, held on May 13, 2019.

(Attachment #1 5/13/2019)

Re: Minutes of May 13 Town Council meeting

From: Connie Pingley (pingleyc@gmail.com)

To: ckarelis@mix.wvu.edu

Cc: bobbiess@frontier.com; rcooper401@suddenlink.net; bweese04@yahoo.com; mlewis@k12.wv.us; earthworks72@yahoo.com; dnepritt2017@gmail.com; donnakenny@cebridge.net; davidsturdivant10@yahoo.com; davidfsimmons@yahoo.com; beverlytownof@yahoo.com

Date: Tuesday, May 14, 2019, 4:37 PM EDT

Sent from my iPhone

On May 14, 2019, at 1:28 PM, Cynthia Karelis <ckarelis@mix.wvu.edu> wrote:

Bobbie --

I want the record to show that I provided to Council members and visitors the following:

1. The April 1, 2019, meeting minutes that show where I confirmed for the record that the Water Board could increase the number of members (Sanitary Board cannot because we are not acquiring another system).
2. The email message from Municipal Bond lawyer, John Stump, confirming that the Water Board can have as many members as Council approves.
3. **AND THIS IS THE MOST IMPORTANT - The email John Stump sent me suggested that the ordinance(s) passed - both Water and Sanitary - should include language that promises compliance with WV Code 16-13A-1 (Sanitary) and WV Code 8-20-1 (Water).**

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The mayor goes on record that she provided and sought out what was requested by both Council and the boards (i.e. additional members) and was working to put that in the ordinance she and attorney Chenoweth were cooperating in constructing when Councilwoman Pingley intervened.

I want the record to show that I did not agree with leaving out the language stating compliance with any applicable WV Code.

If you have any questions, call me at 681-298-0124.

--

Cindy Karelis
Mayor of Beverly
5 Walnut Avenue
Beverly WV 26253
304-636-5360

A special meeting of the Beverly Town Council was held Thursday, May 16, 2019, at 6:00 pm in the council chambers of the Beverly Town Hall. The meeting was held to certify election canvass. Mayor Karelis called the meeting to order in the presence of Recorder Barbara Smith, councilmembers David Harper, Connie Pingley, Matt Lewis and Rodney Cooper. Becky Weese was absent. Visitors were Cory Weese and Andy Burns.

CERTIFY ELECTION CANVASS

Mayor Karelis read the tally of votes for each candidate from the last meeting held on May 13, 2019.

They are as follows:

Andy Burns 69

Connie Pingley 47

Barbara Smith 102

Becky Weese 84

Matt Lewis 85 (one vote more when tallied in canvas of ballots on May 13, 2019)

Becky Arbogast 36

Deborah Stalnaker 78

Robbie Moyer 59

Bob Conners 47

Katie Whittaker 72

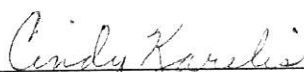
There was no contest from visitors present.

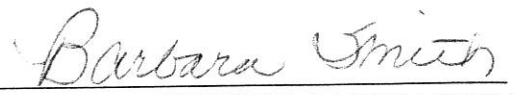
A motion was made by Mr. Cooper to accept the certify election canvass. Motion seconded by Mr. Harper, all in favor.

A motion was made by Mr. Lewis not to accept payment from the town for attending the meeting to certify election canvass. Motion seconded by Mrs. Pingley, all in favor.

The Mayor gave updates from the WVU Land Use Planning Clinic she attended this week. Updates were given on the Reed upcoming mediation hearing.

Motion made to adjourn by Mrs. Pingley, second by Mr. Harper. Meeting adjourned at 6:17 pm.


MAYOR: CINDY KARELIS


RECORDER: BARBARA SMITH