

The regular meeting of the Beverly Town Council was held Monday, May 11, 2020, at 6:30 pm in council chambers of Beverly Town Hall. Members stood for the Pledge of Allegiance and were led in prayer by Mayor Burns. Mayor Andy Burns called the meeting to order in the presence of recorder Barbara Smith, members Robbie Moyer, Matt Lewis, Becky Weese, Katie Whittaker and town clerk Robin Wilson. Debbie Stalnaker was absent.

With all members having received copies of the minutes, Mr. Moyer made a motion to forego the oral reading of the April 21, 2020 minutes and to accept the minutes as submitted. Motion seconded by Mrs. Whittaker with all in favor.

1st READING OF WATER RATE INCREASE ORDINANCE

With COVID-19 on everyone's mind, discussions at previous meetings regarding the water rate increase were delayed. After discussion, a motion was made by Mr. Lewis to adopt an ordinance of the Common Council of the Town of Beverly, West Virginia, increasing rates related to providing municipal water services to all general, domestic, commercial, industrial, and sale for re-sale water service to those served within and those served without the corporate limits of the municipality. Motion seconded by Mr. Moyer. All in favor. (See attachment #1 -5/11/2020) Letters will be sent to all customers notifying them of the increase. A chart will be provided customers showing increase in rates and its effect on their bills. Next reading is scheduled for June 8, 2020, meeting. Forty five days after that, rates go in to effect.

SAFETY WINDOW & DOOR IN TOWN HALL

Mrs. Weese made a motion for the clerk to purchase a safety window with bullet resistant glass and amplified speaker; and a new door leading into the main office, not to exceed \$4000.00. Motion was seconded by Mr. Moyer with all in favor.

UPDATED LETTER OF SUPPORT –DHS

Mr. Lewis made a motion of support for the Kentucky Derby Gala, hosted by Davis Health System Foundation's, change of date to September 5, 2020. The event raises funds to assist in patient needs for treatment. Motion seconded Mr. Moyer with all in favor.

1ST READING OF UPDATED FLOODPLAIN ORDINANCE

The last Floodplain Ordinance was updated in 2010. A motion was made by Mr. Lewis to accept the 1st Reading of the Updated Floodplain Ordinance with changes made by Rob Chenoweth and verification of wording on page 28. Second by Mrs. Weese. All in favor.

TOWN SWEEPER – OUT FOR BID

Mrs. Weese made a motion to post the town sweeper, brought during the Harper Administration, out for sealed bid. To be posted on web site and front office door till May 26th, 4:00 pm. Motion seconded by Mr. Lewis with all in favor

NEW BUSINESS LICENSE APPLICATION

A motion was made by Mrs. Whittaker to accept the business license application from Roger White for Files Creek Crossing, LLC in the old Beverly Restaurant building. Motion seconded by Mrs. Weese, with all in favor.

NEW HOUSE ON FOUNTAIN STREET

A new house on Fountain Street was tabled till the owner notifies the town that he will be placing a house there.

STATE FLAG FOR TOWN HALL

Mrs. Weese made a motion to buy a new WV state flag for Town Hall. Motion seconded by Mr. Moyer, with all in favor.

HERITAGE SOLAR LIGHTS FOR TOWN SQUARE

A motion was made by Mrs. Whittaker to purchase a total of four solar lights with poles to be places by each bench in the Town Square, at a cost of \$299.00 for each light. Motion seconded by Mr. Moyer with all in favor.

PLANTS AND SOIL FOR TOWN HALL

A motion was made by Mr. Moyer to allow town clerk to purchase plants and soil for planting at the Town Hall, not to exceed \$50.00. Motion seconded by Mr. Lewis with all in favor.

POLICE CRUISER

The town has received the police cruiser. Rob Chenoweth is working on the ordinances with codes the town has adopted and establishing rules for a municipal court. Maintenance on the cruiser will be postponed till July.

INVOICES

A motion was made by Mrs. Weese to pay the invoices in the amount of \$2914.16 for the month of May. Motion seconded by Mr. Lewis, with all in favor.

UPDATES

A hearing on the Reed case was held by Skype. Mr. Chenoweth's letter stated things went well for the town. The judge did not make a ruling from the bench but said he would take it under advisement and issue an order.

Greg Sylvester from the DOH said he will sweep the streets as soon as the DOH gets back to full service. They are putting up some of the requested signs in town now.

The town office will be closed June 9th for election day which was changed from May 12.

The Mayor is working with Alan Hawkins on his new job of preventive maintenance for the town. Mayor Burns has three listings of equipment the town has that needs preventive maintenance done on them. Some is weekly, monthly, and even longer. The Mayor believes this will save the town a lot of money in expenses. The new part time employee has been working on grass mowing and is doing a great job.

A motion was made to adjourn by Mr. Lewis. Seconded by Mr. Moyer. Meeting adjourned at 7:43 pm.



MAYOR: ANDY BURNS



RECORDER: BARBARA SMITH

ORDINANCE ____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
TOWN OF BEVERLY, WEST VIRGINIA, INCREASING RATES RELATED
TO PROVIDING MUNICIPAL WATER SERVICES TO ALL GENERAL DOMESTIC,
COMMERCIAL, INDUSTRIAL, AND SALE FOR RE-SALE WATER SERVICE TO THOSE
SERVED WITHIN AND THOSE SERVED WITHOUT THE CORPORATE LIMITS OF THE
MUNICIPALITY**

WHEREAS, the Town of Beverly, West Virginia, sometimes referred to as the Utility, has plenary power pursuant to W.Va. Code § 8-12-5(32) to lay and collect charges for waterworks systems rendered to those served within and those served without the corporate limits of the municipality;

WHEREAS, pursuant to W.Va. Code § 8-16-18 the Town of Beverly has the plenary power and authority and it shall be its duty, by ordinance, to establish and maintain just and equitable rates, fees or charges for the use and services rendered, or the improvement or protection of property, provided or afforded, by such works, to be paid by the person using the same, receiving the services thereof, or owning the property improved or protected thereby, and may readjust rates, fees or charges from time to time.;

WHEREAS, pursuant to W.Va. Code § 24-2-4b any ordinance passed by the Town of Beverly to increase the rates and charges shall be reviewed by the Public Service Commission;

WHEREAS, the Town of Beverly has determined that an increase in the Water rates is necessary, and will be in the best interest of the Town of Beverly residence as a whole;

NOW THEREFORE, BE IT ORDAINED and ENACTED: The following rules, rates, and charges are hereby fixed, determined and established for municipal waterworks system services provided to all general domestic, commercial, industrial, and sale for re-sale water service, and customers within and those served without the corporate limits the Town of Beverly commencing upon the effective dates as herein provided, and in accordance with the following Rates and Schedules:

SECTION 1 – TARIFF

RULES AND REGULATIONS

Rules and Regulations for the Government of Waterworks Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission.

Attachment #1- 5/11/2020

SCHEDULE I
(EFFECTIVE: 45 DAYS FROM PASSAGE OF ORDINANCE)

APPLICABILITY

Applicable within the entire territory served, with the exception of the area of King's Run Road, Edgewater Estates, located on Dodson Run Road, Files Creek Road Extension, and Scott's Lake Road.

AVAILABILITY

Available for general domestic, commercial, industrial and sale for resale water service.

METERED RATES

0	to	2,000 gallons per month	\$10.20	per thousand gallons
2,000	to	5,000 gallons per month	\$9.36	per thousand gallons
5,001	to	25,000 gallons per month	\$8.53	per thousand gallons
25,001	to	50,000 gallons per month	\$7.81	per thousand gallons
50,001	to	100,000 gallons per month	\$7.14	per thousand gallons
		Over 100,000 gallons per month	\$6.60	per thousand gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts based on meter size.

3/4	inch meter	\$ 20.40	2,000 gallons
5/8	inch meter	\$ 20.40	2,000 gallons
1	inch meter	\$ 56.98	6,000 gallons
1-1/2	inch meter	\$ 176.29	20,000 gallons
2	inch meter	\$ 296.99	35,000 gallons
3	inch meter	\$ 375.06	45,000 gallons
4	inch meter	\$ 521.14	65,000 gallons
6	inch meter	\$1,067.54	145,000 gallons
8	inch meter	\$1,825.66	260,000 gallons
12	inch meter	\$3,968.15	585,000 gallons

SCHEDULE II
(EFFECTIVE: 45 DAYS FROM PASSAGE OF ORDINANCE)

APPLICABILITY

Applicable within the entire area of King's Run Road, Edgewater Estates, located on Dodson Run Road, Files Creek Road Extension, and Scott's Lake Road.

AVAILABILITY

Available for general domestic, commercial, industrial and sale for resale water service.

METERED RATES

0	to	3,000 gallons per month	\$12.27 per thousand gallons
3,001	to	6,000 gallons per month	\$11.03 per thousand gallons
6,001	to	10,000 gallons per month	\$9.79 per thousand gallons
10,001	to	20,000 gallons per month	\$8.58 per thousand gallons
		Over 20,000 gallons per month	\$7.34 per thousand gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts based on meter size.

3/4	inch meter	\$ 36.81	3,000 gallons
5/8	inch meter	\$ 36.81	3,000 gallons
1	inch meter	\$ 81.56	8,000 gallons
1-1/2	inch meter	\$ 194.81	20,000 gallons
2	inch meter	\$ 304.85	35,000 gallons
3	inch meter	\$ 378.21	45,000 gallons
4	inch meter	\$ 524.93	65,000 gallons
6	inch meter	\$1,111.80	145,000 gallons
8	inch meter	\$1,955.43	260,000 gallons
12	inch meter	\$4,339.60	585,000 gallons

Note: Sales for Resale is to be used when one water utility is selling water to another water utility for resale.

All water for Resale to the Huttonsville Public Service District will be billed in accordance to the approved rate of \$1.69 per 1,000 gallons.

Note: Bulk Rate is to be used when a water utility is selling a large amount of water to a customer for its own use. All Water for bulk purchase will be billed at the approved rate of \$1.69 per 1,000 gallons.

SCHEDULE III

(EFFECTIVE: 45 DAYS FROM PASSAGE OF ORDINANCE)

PRIVATE FIRE PROTECTION SERVICE

Where connections, hydrants, sprinklers, etc. on private property are maintained by the consumer:

	Monthly	Yearly
1 inch service line with hydrants, sprinklers and or hose connection.	\$14.23	\$ 170.76
3 inch service line with hydrants, sprinklers and or hose connection.	\$32.31	\$ 387.72
4 inch service line with hydrants, sprinklers and or hose connection	\$56.75	\$ 681.00
6 inch service line with hydrants, sprinklers and or hose connection	\$143.80	\$1,725.60
8 inch service line with hydrants, sprinklers and or hose connection	\$234.94	\$2,819.18
10 inch service line with hydrants, sprinklers and or hose connection	\$418.38	\$5,020.56
12 inch service line with hydrants, sprinklers and or hose connection	\$586.26	\$7,035.09

These terms are payable monthly in advance.

LEAK ADJUSTMENT RATE

\$1.29 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed and documented as an eligible leak on the customer's side of the meter. This rate shall be applied to all consumption for one billing cycle that is above the customer's historical six month average.

SCHEDULE IV

OTHER SERVICES AND CHARGES

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the Town or a minimum of \$15.00 will be imposed upon any customer whose check for payment of charges is returned by their bank as a result of nonpayment.

DELAYED PAYMENT PENALTY

The preceding schedule of charges is net. All accounts not paid in full when due will have added to the net amount shown on the bill a delayed payment penalty of 10%. This is not interest and is to be collected only once for each bill where it is appropriate.

SERVICE CONNECTION (TAP) FEES Payable in Advance

1/2", 5/8, & 3/4" meter	\$600.00
All meters 1" and over.	Actual cost based on time & materials.

RECONNECTION FEE

\$25.00

Where service has been disconnected for nonpayment, violation of rules and regulations by the customer, or at customer's request

FIRE HYDRANT RENTAL \$200.00 per year in advance

This fee is applicable to private or commercial properties only. The Town of Beverly and The Beverly Volunteer Fire Department fire hydrants will be exempt.

SECURITY DEPOSIT

Not to exceed one twelfth (1/12) of the annual estimated charge for residential service or one sixth (1/6) of the estimated charge for commercial service or \$50.00, whichever is greater.

OTHER SERVICES AND CHARGES

Open and close water service at customer's request during working hours.	\$15.00
Open water service at customer's request not during working hours	\$25.00
Perform meter accuracy test at customer's request.	\$35.00
Other services at the request of the customer for his benefit, charges will be made for time and materials used with a minimum charge of	\$15.00

SECTION 2- TARIFF EFFECTIVE DATE

The rates, charges and penalties provided herein shall become effective forty-five (45) days after enactment, or as soon thereafter as the same may be approved by the Public Service Commission of West Virginia.

SECTION 3 - SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are severable, and if any clause, provision or section hereof shall be held void or unenforceable by the West Virginia Public Service Commission or any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective dates hereof, all ordinances, resolutions, orders or *parts* thereof in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION 4- STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the Town Clerk shall cause to be published a copy of this Ordinance , as a Class I-0 legal advertisement in the, *Inter-Mountain* a qualified newspaper of general circulation in the Town of Beverly, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on June 8, 2020, at 6:30 p.m., which date is not less than five (5) days after the date of the first publication of the Ordinance, and present any comment or protest thereto, following which hearing, Council shall take such action as it shall deem proper. Copies of this Ordinance shall be available to the public for inspection at the office of the Town Clerk, Beverly, West Virginia.

First Reading: _____

Second Reading
and Public Hearing: _____

TOWN OF BEVERLY, a municipal corporation

Mayor: _____

Clerk: _____