

The regular meeting of the Beverly Town Council was held Monday, December 14, 2020, at 6:30 pm in council chambers of Beverly Town Hall. Members and visitors 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 Debbie Stalnaker, Robbie Moyer, Matt Lewis and Becky Weese. Katie Whittaker was absent. Visitors included clerk Robin Wilson, Kenny Weese and Rhett Dusenbury.

With all members having received copies of the minutes, Mr. Moyer made a motion to forego the oral reading of the November 9, 2020 minutes and to accept the minutes as submitted. Motion seconded by Mr. Lewis. All in favor.

#### ORDINANCE ADOPTING CERTAIN STATE CODE 2<sup>ND</sup> READING

A motion was made by Mrs. Stalnaker to accept the second reading of the Ordinance Adopting Certain State Code as the 2<sup>nd</sup> and final reading. This ordinance added all state codes from other chapters. Motion seconded by Mrs. Weese with all in favor.

#### POLICE VEHICLE – EQUIPMENT

The police vehicle is registered and legal now. Markings on it will be done soon. Police equipment was tabled till the police chief is sworn in on Monday.

#### CHIEF OF POLICE HIRING

Members of the personal committee met with applicants for Chief of Police. Allen G. Vanscoy was chosen to serve as Police Chief. He works for the state probation program. The personal board was very impressed with his interview. Mr. Lewis made a motion to appoint Allen G. Vanscoy as Chief of Police. Motion seconded by Mr. Moyer. All in favor. He will start January 4, 2021. His pay rate was approved. He will report monthly to council. Monday, December 21, 2020, he will be sworn in at 6:00, council was asked to be present. The town will have to hire a municipal judge. The last officer for the town was in 1976.

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#### OFFICE RENOVATIONS/GRANT

Office renovation is coming along great. Hold up now is waiting on Talbott Paint and Glass for the window. Other prices are being looked into if we don't hear from Talbott's soon.

#### HISTORIC LANDMARKS COMMISSION UPDATE

The Historic Landmarks Commission hasn't met due to Covid. A February meeting is scheduled, and council will get minutes from that meeting. The Mayor wants a council member to be appointed to attend their meetings.

#### BUSINESS LICENSE/BUILDING PERMIT (New Business)

A motion was made by Mr. Lewis to accept a business license and building permit for a new business, Beverly Tie Yard, LLC. The business is going in where the old handle mill was. It is a wood processing plant. They are part of Appalachian Timber Service out of Sutton. The

company is putting a lot of working into cleaning and redoing the property. Motion second by Mrs. Weese with all in favor.

ELECTION MAY 3, 2021 – FILING PERIOD JAN. 11-30-2021

The town election will be held May 3, 2021. The filing period will be January 11-30, 2021.

FILING FEES RESOLUTION

A motion was made by Mrs. Weese in a Resolution of Common Council to amend the filing fees for election candidates to \$50 for Mayor and \$25 for Recorder/Council. Motion was seconded by Mr. Lewis, all in favor.

½ DAY CHRISTMAS EVE & ½ DAY NEW YEAR'S EVE

A motion was made by Mr. Moyer to give employees ½ day for Christmas Eve and ½ day for New Year's Eve. Motion seconded by Mr. Lewis with all in favor.

EMPLOYEES STIPEND

A motion was made by Mr. Lewis to give a one time employee stipend in the amount of \$200 for full time and \$100 for part time employees. Motion was seconded by Mr. Moyer with all in favor.

IRS TAX FORMS

A motion was made by Mrs. Weese to give Clerk Wilson permission to order the tax forms needed for end of year filing from Quickbooks. Second by Mr. Lewis with all in favor.

INVOICES FOR DECEMBER 2020

A motion was made by Mrs. Weese to pay the December 2020 invoices in the amount of \$7198.90. Motion seconded by Mrs. Stalnaker. All in favor.

UPDATES

Cody Thompson will be sending West Virginia flags to the town and fire department.

Motion made by Mr. Lewis to adjourn. Seconded by Mr. Moyer. Meeting adjourned at 7:22pm.

Reminder, Employee Recognition is Friday, Dec 18<sup>th</sup>, at 6:00.

  
MAYOR: ANDY BURNS

  
RECORDER: BARBARA SMITH



## ORDINANCE \_\_\_\_

### **AN ORDINANCE OF THE TOWN OF BEVERLY ADOPTING WEST VIRGINIA STATE CODE CRIMINAL OFFENSES AND TRAFFIC OFFENSES AND PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF.**

**WHEREAS**, pursuant to the authority vested in the Town Council of the Town of Beverly, West Virginia, pursuant to West Virginia Code § 8-5-12, Council shall have plenary power to adopt and enact an ordinance or code of ordinances as it pertains to misdemeanors and make the same a part of the Code of the Town of Beverly, and imposing the same penalties therefor as exist under the state law and applicable to municipalities pursuant to W. Va. Code § 8-11-1.

**NOW, THEREFORE**, be it ordained and enacted by the Town Council of the Town of Beverly, West Virginia, that Chapter VIII be repealed, and in its place the following be enacted:

#### CHAPTER VIII, ADOPTION OF CERTAIN STATE CODES BY REFERENCE

##### Sec. 1 ADOPTION OF STATE CODE CRIMINAL OFFENSES AND ENFORCEMENT.

(a) There is hereby adopted by reference and made a part of this code to the same extent as if the same were copied verbatim herein all provisions of W.Va. Code Ch. 20, Art. VII, W.Va. Code Ch. 61, W. Va. Code Ch. 62, W. Va. Code Ch. 60A, and all provisions of W.Va. Code Ch. 17, Ch. 17A, Ch. 17B, Ch. 17C, Ch. 17D, Ch. 17E, Ch. 17F, and Ch. 17G as amended or as may hereafter be amended by the legislature of the state, to the extent that the same may be legally applicable within the corporate limits of the town. In case of conflict between the provisions of the adopted portions of the West Virginia Code and the provisions of this chapter, the provisions of the former shall be binding and controlling and the provisions of this chapter shall be considered modified and amended to include the conflicting state code provisions. Any violations of the West Virginia Code provisions, which are not specifically made violations of this chapter, may be pleaded in warrants as violations of this chapter under this section.

(b) The Town of Beverly Police Department shall enforce the provisions adopted herein within the corporate limits of the Town of Beverly.

(c) Jurisdiction over the enforcement of this Ordinance shall be with the Town of Beverly's Municipal Court Judge.

##### Sec. 2 PENALTIES.

Any person who shall violate a provision of the West Virginia State Codes adopted herein, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and fined not more than five hundred dollars (\$500.00), and/or confinement in the county or regional jail or the place of confinement in the municipality, if there is one, for a term not exceeding thirty (30) days.

Any fines, fees, or costs collected shall be remitted to the City Clerk. The City Clerk shall ensure that the fines and fees are properly paid pursuant to W. Va. Code §§ 8-11-1 *et seq.*, as well as any other applicable section of the West Virginia Code.

If any section, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reasons whatsoever, such decisions shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

These revisions to the Town code are prospective and supersede and eviscerate all prior ordinances and parts of the Town code that are inconsistent with the foregoing revisions.

This Ordinance shall be deemed effective on passage.

PASSED AND APPROVED ON FIRST READING THIS 12<sup>th</sup> DAY OF October, 2020.

PASSED, APPROVED, AND EFFECTIVE ON SECOND AND FINAL READING THIS 14<sup>th</sup> DAY OF DECEMBER, 2020.

TOWN OF BEVERLY, WEST VIRGINIA

  
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Mayor

Attest:

Barbara Smith  
City Clerk

**IN THE COMMON COUNCIL OF THE TOWN OF BEVERLY, WV**

**A RESOLUTION OF COMMON COUNCIL**

(Resolution # \_\_\_\_\_)

December 14, 2020

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**Amending the Amounts of Election Candidate Filing Fees**

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**WHEREAS**, the Town of Beverly has historically charged a filing fee of \$5.00 to all candidates for election to the offices of Mayor, Council, and Recorder; and,

**WHEREAS**, due to the passage of time, the filing fee of \$5.00 is insufficient, and should be amended so as to increase the dollar amount of the filing fee; and,

**WHEREAS**, Council has determined that it is in the best interest of the Town of Beverly to increase the filing fee, as set forth below, in a reasonable manner so as to insure that only committed persons declaring their candidacy to an elected office are placed on the ballot, and as a reasonable method to help cover the administrative costs of the municipal election; and

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

The Common Council of the Town of Beverly amends the candidate filing fee to be set as follows:

- The filing fee to be submitted by a candidate for the office of Mayor is  
\$ 50.<sup>00</sup>.
- The filing fee to be submitted by a candidate for the office of Council is  
\$ 25.<sup>00</sup>.
- The filing fee to be submitted by a candidate for the office of Recorder is  
\$ 25.<sup>00</sup>.

**FURTHER**, this Resolution shall become effective immediately.

**Attest:**



Robin Wilson, Town Clerk

  
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Andy Burns, Mayor