

The regular meeting of the Beverly Town Council was held Monday, April 11, 2022, at 6:30 pm in council chambers of Beverly Town Hall. Mayor Burns called the meeting to order in the presence of Recorder Connie Pingley, Council members Matt Lewis, Beck Weese, Debbie Stalnaker, Katie Whittaker, and Robbie Moyer. Visitors present: Town Clerk Robin Wilson, Melanie Dilley, Carol Busch and Eric Coberly. Mayor Burns led the group in the Pledge of Allegiance and prayer.

With all members having received copies of the minutes, Robbie Moyer made a motion to forego the oral reading of the March 14, 2022 minutes and to accept the minutes as submitted. Motion seconded by Katie Whittaker. All in favor.

VISITORS/PUBLIC COMMENTS

Eric Coberly, Project Engineer, presented table maps on the Storm Water Project. A short discussion concerning Fountain Street, the Fire Hall and will continue to investigate all areas of concern within the Town.

Carol Busch, who is running for election to The County Commission, spoke on the water problems within the town. She is a resident of the South Elkins, WV area, where there has been a lot of problems with storm water.

OLD BUSINESS

Business License for an Escape Room at the 181 Walnut St. original jail was requested by the Beverly Historic Preservation Inc. Motion made by Becky Weese to approve the license, seconded by Matt Lewis. All in favor.

NEW BUSINESS

First reading on Animal Nuisance Ordinance. Becky Weese made a motion on the first reading of Ordinance, seconded by Robbie Moyer. All in favor.

Sidewalk at Lavender Fields and Heasley's Property Tabled until next meeting to allow council members the chance to view the area.

Letter sent to Pat Weese concerning the Main Street property that he purchased.

Quick Books Desktop 2019 software will be discontinued after May 31, 2022. You won't be able to access Payroll and Online Banking or sign up for other services unless you upgrade the product. The office decided the QuickBooks Desktop Premier Plus would be sufficient. Robbie Moyer made the motion to purchase the software, Matt Lewis seconded. All in favor.

The Levy Meeting will be April 19, 2022 at 7:00 pm following the third Tuesday of April when the Levy is laid.

It was approved to purchase flowers for beautification of the Town Hall Building and invoices to be presented at the next meeting.

Discussion on rate increase for water and sewer. Further review at next meeting.

CHIEF OF POLICE REPORT

The vehicle grant has been submitted.

INVOICES and FINANCIALS

Financials reviewed and approved. Becky Weese made a motion to pay invoices totaling \$15,232.15, Debbie Stalnaker seconded. All in favor.

UPDATES AND INFORMATION

Human Rights Commission Decision on Cynthia Lou Karelis v. Town of Beverly. There was "no probable cause" to believe there has been a violation of the WV Human Rights Act by the Town of Beverly against

Cynthia Lou Karelis, as she set forth in her complaint previously filed with the Commission.

Water and Sewer Board Meeting Minutes along with Plant Operators Reports were reviewed.


Mountain State Land Use Academy information was in council packets for their review. It will take place on May 17 and 18, 2022.

WV Ethics Report on Legislation bills that are now law and Ethics Advisory Opinions was included for members review.

ADJOURNMENT

Matt Lewis motioned to adjourn the meeting, with Becky Weese seconding. All in favor. Meeting was adjourned at 7:45 pm.



Andy Burns, Mayor

~~Connie Pingley, Recorder~~
Robin G. Wilson, Clerk

ORDINANCE _____

**AN ORDINANCE OF THE COUNCIL OF THE TOWN OF BEVERLY LEVYING A
HEAD TAX ON DOGS AND REGULATING NUISANCES WITH RESPECT TO
ANIMALS WITHIN THE TOWN LIMITS, AND PRESCRIBING PENALTIES
RELATED TO THE SAME**

WHEREAS, the Council of the Town of Beverly, West Virginia, previously passed an Ordinance, known as Ordinance No. 12 levying a head tax on dogs to be collected by the County Assessor pursuant to West Virginia Code § 19-20-1, *et seq.*;

WHEREAS, the Council of the Town of Beverly, West Virginia, has determined that it is necessary to amend its Ordinance No. 12 to reflect changes in West Virginia law since the original Ordinance was passed;

WHEREAS, the Council of the Town of Beverly, West Virginia, has also deemed it necessary to amend its Ordinance No. 12 to also include provisions related to the prevention of injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to eliminate hazards to public health and safety and to abate or cause to be abated anything in which the opinion of the majority of the governing body is a public nuisance; to provide for the impounding, sale or destruction of animals or fowls kept contrary to law or found running at large; and to provide penalties for the offense and violations of the same pursuant to West Virginia Code § 8-12-5; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Beverly, West Virginia, that the Town of Beverly amend its existing Ordinance No. 12 as set forth herein, and add an additional Article to Ordinance No. 12 further regulating animals within the Town of Beverly as follows:

Article I – Levying of Dog Tax

The owner, keeper or person having in his or her possession or allowing to remain on any premises under his or her control, within the town limits of the Town of Beverly, any dog above the age of six months, shall pay a head tax of three dollars (\$3.00) on each dog, male or female; however, no head tax may be levied against any guide or support dog especially trained for the purpose of serving as a guide, leader, listener or support for a blind person, deaf person or a person who is physically or mentally disabled because of any neurological, muscular, skeletal or psychological disorder that causes weakness or inability to perform any function. In the event of failure or refusal to pay such tax to the county assessor or deputy assessor, then the assessor or deputy assessor shall certify such tax to the county dog warden, who shall take charge of the dog for which the tax is delinquent and impound same as provided by Chapter 19, Article 20 of the Code of West Virginia as amended.

Article II – Animal Nuisances and Penalty upon Conviction thereof

1. The following actions shall be deemed a public nuisance:
 - a. Any animal which by habitual howling, yelping, barking or other noise disturbs or annoys any person or neighbor to an unreasonable degree, taken to be continuous noise for a period of ten (10) or more minutes or intermittent noise for a period of thirty (30) or more minutes.
 - b. Any domesticated animal which enters upon private property or public property, so as to damage or destroy any real or personal property.
 - c. Any domesticated animal which chases or runs after or jumps at vehicles using public streets and alleys.
 - d. Any domesticated animal which snaps, growls, snarls, jumps, at or upon, or otherwise threatens persons lawfully using public sidewalks, streets, alleys or other public places.
 - e. Any animal which dumps garbage or strews trash on public or private property.
 - f. Any dog, whether licensed or not, which runs at large.
 - g. Animals kept, harbored or maintained and known to have a contagious disease, unless under the treatment of a licensed veterinarian.
 - h. Animals on public property not under control of the owner or other competent person.
 - i. Any vicious animal which runs at large at any time, or such animal when off or

outside of the owner's premises, not under the control of a person of suitable age and discretion to retain such animal.

- j. Any animal which deposits excrement or other solid waste in any place, except the owner's property and such waste is not removed by the owner or the other person having control over the animal.
2. Any owner, keeper, or person having in his or her possession an animal that is found to be in violation of Article II, Section 1, may be subject to a fine of an amount between five dollars and five-hundred (\$500) dollars, or imprisonment for not more than 30 days or both and, further, to have the animal confiscated, removed, and disposed of at his or her sole expense.

PASSED AND APPROVED ON FIRST READING THIS 11th DAY OF
April, 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING THIS ____ DAY
OF _____, 2022.

TOWN OF BEVERLY, WEST VIRGINIA

Mayor of the Town of Beverly

Attest:

Town Clerk of the Town of Beverly