

The regular meeting of the Beverly Town Council was held Monday, May 09, 2022, at 6:30 pm in council chambers of Beverly Town Hall. Mayor Burns called the meeting to order in the presence of Council members Matt Lewis, Becky Weese, Debbie Stalnaker, Katie Whittaker, and Robbie Moyer. Town Clerk Robin Wilson, took minutes in the absence of Recorder Connie Pingley. Visitors present were Chris Mielke, Linda Peterson and Desire Watson. Mayor Burns led the group in the Pledge of Allegiance and prayer.

With all members having received copies of the minutes, Debbie Stalnaker made a motion to forego the oral reading of the April 11, 2022 minutes and to accept the minutes as submitted. Motion seconded by Katie Whittaker. All in favor. Becky Weese made a motion to forego the oral reading of the April 19, 2022 minutes and accept the minutes as submitted. Motion seconded by Matt Lewis. All in favor.

### **VISITORS/PUBLIC COMMENTS**

Chris Mielke and Linda Peterson with the Beverly Heritage Center requested \$350 for the Design Committee for pots, dirt and flowers in the barrel planters around town. Matt Lewis motioned to give the amount requested to the Design Committee. Debbie Stalnaker seconded. All in favor.

Chris Mielke gave updates on the May 21, 2022 ribbon cutting and open house for the Jail House and escape room at 1 pm. New Americorp member, Jessica is working on the walking tour signs that will be funded thru a Humanities Council Grant. Heritage Days will start July 23, 2022, the week before Fireman's Festival.

Desire Watson spoke about her accident with a Wastewater vehicle on April 6, 2022 on Georgetown Rd. She provided a quote of \$436.24 for the broken mirror. Matt Lewis stated it should go to the sewer board. The clerk will contact the insurance company for updates.

## **OLD BUSINESS**

Second reading on the Animal Nuisance Ordinance was presented. Becky Weese motioned to accept the ordinance as submitted. Matt Lewis seconded. All in favor. (Attachment 1)

## **NEW BUSINESS**

**Appoint Audit Committee** – Becky Weese motioned to appoint the mayor, town clerk and council person Debbie Stalnaker to the Audit Committee to review audit proposals received. Matt Lewis seconded, All in favor.

**Engineer Selection Committee** – Five members will need to be appointed to serve on the selection committee to choose an engineer for the upcoming water project. Water board members, two council members and the mayor should serve on the committee. Matt Lewis motioned for Mayor Burns, Water Board Members David Simmons and Kenny Weese, and council members Debbie Stalnaker and Katie Whittaker to be on the committee. Motion was seconded by Robbie Moyer. All in favor.

**Water and Sewer Rate Increases** – Matt Lewis motioned to proceed with the increases and present the 1<sup>st</sup> readings of the ordinances at the June council meeting. Debbie Stalnaker seconded. All in favor.

**Alternate Judge Appointment** – Matt Lewis motioned for Tom Pritt to be appointed as an alternate municipal judge. Katie Whittaker seconded, All in favor.

**Interactive Flat Panel Display** – The cost of a promethean board is approximately \$2100 – \$2200. This would be split 4 ways between departments to be used during meetings and municipal court hearings. Mayor Burns suggested also purchasing a wheeled cart for it to be mounted on so it could be moved around as needed. Becky Weese made the motion to purchase the flat screen, Matt Lewis seconded. All in favor.

**Design Committee Donation** - The motion was made to approve the request at the beginning of the meeting.

### **CHIEF OF POLICE REPORT**

The police cruiser is a slow process and we may be charged a couple hundred for delivery.

Overtime for Officer Wilson was submitted for grant reimbursement. The grants run on a month to month basic.

### **INVOICES and FINANCIALS**

Financials were reviewed and approved. Becky Weese made a motion to pay invoices totaling \$7,530.29. Matt Lewis seconded. All in favor.

### **UPDATES AND INFORMATION**

Members reviewed the water & sewer board minutes and plant operator reports.

There was not a Heritage Report presented.

### **ADJOURNMENT**

Matt Lewis motioned to adjourn the meeting, with Becky Weese seconding. All in favor. Meeting was adjourned at 7:36 pm.



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Andy Burns, Mayor



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Connie Pingley, Recorder

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



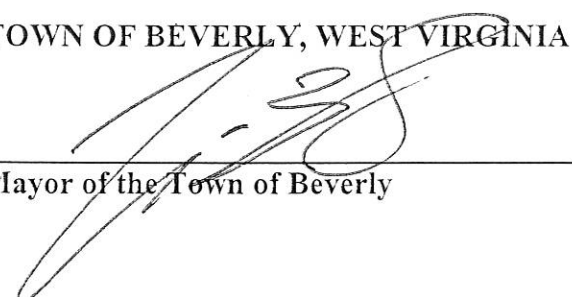
outside of the owner's premises, not under the control of a person of suitable age and discretion to retain such animal.

- 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 11<sup>th</sup> DAY OF  
April, 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING THIS 9<sup>th</sup> DAY  
OF May, 2022.

TOWN OF BEVERLY, WEST VIRGINIA

  
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Mayor of the Town of Beverly

Attest:

  
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Town Clerk of the Town of Beverly