

The regular meeting of the Beverly Town Council was held Monday, July 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, Becky Weese, Debbie Stalnaker, Katie Whittaker, and Robbie Moyer. Visitors present: Town Clerk Robin Wilson, Utility Clerk Mellanie Dilley, and Mary Hutson from RCAP. Visitors attending for the Public Hearing: R Knight, L. Knight, R. Doerr, C. Daniels, L. Bennett, L. Mahoney, D. Roberts, S. Purdy, T. Daniels, J. Gainer, and M. Lewis.

### **Minutes**

Motion made by Robbie Moyer to approve minutes without reading aloud, seconded by Debbie Stalnaker. All in Favor.

### **Public Hearing/Comments**

Subject Water rate increase. Mayor Burns opened the meeting with an explanation on the water rate increase and why it is happening. For many years the Water Department did not have the Capital Improvement Fund, for expenses that often happen. Mary Hutson from RCAP was the guest speaker. Ms. Hutson was very helpful in explaining to the visitors why we need this fund and why it's important to have it. It was explained and discussed the difference of Rate 1 and Rate 2 and the increases. Rate 1 is the first users of water and the original lines. Rate 2 is the Upper Files Creek, Scotts Lake, and Kings Run area. These are newer lines that still have a Bond on them which is being paid. Those attending were given the opportunity to speak and ask questions, which were answered accordingly.

### **Old Business**

The second and final reading of the Ordinance to increase the water rate was addressed. Motion made by Matt Lewis to accept the final reading of the water rate increase, seconded by Debbie Stalnaker. All in favor.

(Attachment 1)

The second and final reading of the Ordinance of the IPMC Update was addressed. Becky Weese made a motion to accept the final reading of the IPMC Update, motion was seconded by Matt Lewis. All in favor. (Attachment 2)

There were 4 business licenses turned in for renewal for the new fiscal year. A motion to accept the licenses was made by Katie Whittaker and seconded by Robbie Moyer. All in favor.

### **New Business**

Robin Wilson was notified by Christy DeMuth that Connie Pingley's term with the Planning Commission ended on June 30, 2022. She would need to be re-appointed for a 3-year term or someone else appointed to fill her position. Since the finalization of the draft of the zoning ordinance is near completion, Connie agreed to continue in the position. Becky Weese motioned to appoint Connie Pingley with Matt Lewis seconding. All in favor.

The Randolph County Fair Board sent a request to the town for a donation for their fair. We were platinum sponsors for 2021 and donated \$2000.

The Fair was canceled and Council decided to let them keep the donation from 2021. Since funds were donated last year and not spent, the town will not donate this year, but will send a letter addressing the matter and letting them know we will be glad to donate in 2023.

Council needs to meet with the personal committee to revise the employee handbook. Comp time is not covered in the personnel handbook. This will be addressed and followed up with a report at the next meeting.

### **Chief of Police Report**

The Chief was called out of town and was not present for a report.

### **Financial Reviews**


Becky Weese made a motion to pay the invoices printed and reviewed, seconded by Katie Whittaker. All in favor.

### **Updates and information**

There were no Water and Sewer Board Meeting minutes or Plant Operators Reports for review.

### **Adjournment**

Matt Lewis made a motion to adjourn the meeting, Becky Weese seconded. All in favor. Meeting adjourned at 8:05 PM.

  
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Andy Burns, Mayor  
\_\_\_\_\_  
~~Connie Pingley, Recorder~~  
Robin G. Wilson, Clerk



ORDINANCE 25

**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.

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	\$13.06	per thousand gallons
2,001	to	5,000 gallons per month	\$11.93	per thousand gallons
5,001	to	25,000 gallons per month	\$10.92	per thousand gallons
25,001	to	50,000 gallons per month	\$10.00	per thousand gallons
50,001	to	100,000 gallons per month	\$9.14	per thousand gallons
		Over 100,000 gallons per month	\$8.45	per thousand gallons

MINIMUM CHARGE

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

3/4	inch meter	\$ 26.11	2,000 gallons
5/8	inch meter	\$ 26.11	2,000 gallons
1	inch meter	\$ 72.93	8,000 gallons
1-1/2	inch meter	\$ 225.65	20,000 gallons
2	inch meter	\$ 380.15	35,000 gallons
3	inch meter	\$ 480.08	45,000 gallons
4	inch meter	\$ 667.06	65,000 gallons
6	inch meter	\$1,366.45	145,000 gallons
8	inch meter	\$2,336.84	260,000 gallons
12	inch meter	\$5,079.23	535,000 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	\$15.71 per thousand gallons
3,001	to	6,000 gallons per month	\$14.12 per thousand gallons
6,001	to	10,000 gallons per month	\$12.53 per thousand gallons
10,001	to	20,000 gallons per month	\$10.98 per thousand gallons
		Over 20,000 gallons per month	\$9.40 per thousand gallons

MINIMUM CHARGE

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

3/4	inch meter	\$ 47.12	3,000 gallons
5/8	inch meter	\$ 47.12	3,000 gallons
1	inch meter	\$ 104.40	8,000 gallons
1-1/2	inch meter	\$ 249.36	20,000 gallons
2	inch meter	\$ 390.21	35,000 gallons
3	inch meter	\$ 484.11	45,000 gallons
4	inch meter	\$ 671.91	65,000 gallons
6	inch meter	\$1,423.10	145,000 gallons
8	inch meter	\$2,502.95	260,000 gallons
12	inch meter	\$5,554.69	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 \$3.99 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 \$3.99 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.	\$18.21	\$ 218.57
3 inch service line with hydrants, sprinklers and or hose connection.	\$41.36	\$ 496.28
4 inch service line with hydrants, sprinklers and or hose connection	\$72.64	\$ 871.68
6 inch service line with hydrants, sprinklers and or hose connection	\$184.06	\$2,208.77
8 inch service line with hydrants, sprinklers and or hose connection	\$300.72	\$3,608.68
10 inch service line with hydrants, sprinklers and or hose connection	\$535.53	\$6,426.32
12 inch service line with hydrants, sprinklers and or hose connection	\$750.41	\$9,004.95

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 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 July 11, 2022, at 6:30 p.m., which date is not less than five (5) days after the date of publication of the Ordinance to 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:

June 13, 2022

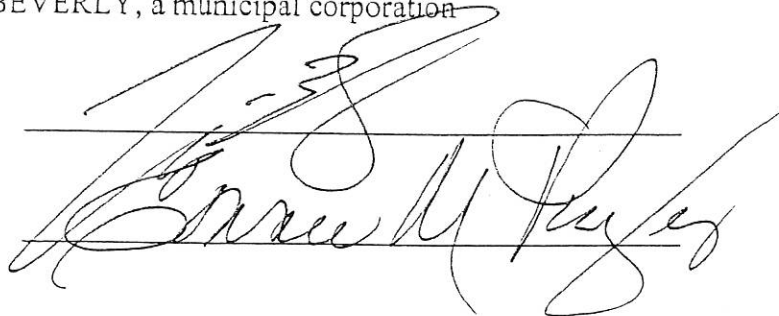
Second Reading  
and Public Hearing:

July 11, 2022

TOWN OF BEVERLY, a municipal corporation

Mayor:

Recorder:

The Mayor's signature is a stylized, cursive 'J. S.' followed by a horizontal line. The Recorder's signature is a more elaborate cursive signature, also followed by a horizontal line.

## ORDINANCE 11

**AN ORDINANCE ADOPTING AND ENACTING, THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AUTHORIZED BY THE WEST VIRGINIA STATE FIRE COMMISSION, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PREMISES, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES AND PREMISES ARE SAFE, SANITARY, AND FIT FOR HUMAN OCCUPATION AND USE; AND THE CONDEMNATION OF STRUCTURES AND PREMISES UNFIT FOR HUMAN OCCUPANY AND USE; AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE TOWN OF BEVERLY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT HEREWITH**

**WHEREAS**, pursuant to the authority vested in the Town Council of the Town of Beverly, West Virginia, pursuant to West Virginia Code §§ 8-11-4 and 8-12-13, Council shall have plenary power to adopt an ordinance or code of ordinances to adopt such State building code as promulgated by the State Fire Commission; and

**WHEREAS**, pursuant to the authority vested in it by the West Virginia State Legislature, the State Fire Commission has promulgated Title 87, Series 4, Legislative Rule of the State Fire Commission, entitled "State Building Code;" and,

**WHEREAS**, the Legislative Rule of the State Fire Commission, Title 87, Series 4 (87 CSR 4) of the West Virginia Code for State Regulations, permits adoption of the International Property Maintenance Code without requiring adoption of the other National Codes and Standards included under the West Virginia State Building Code; and,

**WHEREAS**, by Ordinance previously enacted, the Town Council of the Town of Beverly adopted the 2015 edition of the International Property Maintenance Code; and,

**WHEREAS**, the West Virginia Legislature amended Title 87, Series 4, with an effective date of August 1, 2022, which had the effect of amending the current Legislative Rule which had the consequence of nullifying and voiding the Town of Beverly's adoption of the 2015 Edition of the International Property Maintenance Code, thereby requiring the Town of Beverly to adopt and enact the 2018 Edition of the International Property Maintenance Code, so as to continue to enforce those provisions of the State Building Code with the Town of Beverly; and,

**WHEREAS**, the Town Council finds that in order to facilitate the public good and promote the general public health, safety and welfare, the Town Council of the Town of Beverly has deemed it necessary to properly regulate home matters related to the repair and maintenance of all buildings, structures and premises within the Town of Beverly; and,

**WHEREAS**, it is the intent of the Town Council of the Town of Beverly to establish minimum property maintenance standards by adopting and putting into force and effect the International Property Maintenance Code, 2018 Edition pursuant to W.Va. Code § 8-12-13;

**NOW, THEREFORE**, be it ordained and enacted by the Town Council of the Town of Beverly, West Virginia, that Section 11, Chapter 3, Article II, Subsection 3-7 be amended and the same is enacted and re-enacted so as to rescind, overrule and withdraw the Town's adoption and enactment of the 2015 edition of the International Property Maintenance Code, and in its place adopt and enact the 2018 edition of the International Property Maintenance Code as follows:

Sec. 3-7 Adopted.

(a) There is hereby adopted and incorporated by reference, for the purpose of safe guarding life and property and to insure the quality of construction of the applicable structures situate throughout the Municipality, that certain code known as the 2018 Edition of the International Property Maintenance Code, as amended or revised by the West Virginia State Fire Commission prior to or subsequent to adoption of this Ordinance, and all model codes and standards adopted thereunder are hereby adopted by reference as if fully set forth verbatim herein, which is part of the code known generally as the State Building Code as promulgated by the State Fire Commission pursuant to authority granted under West Virginia Code § 29-3-5b.

(b) The State Building Code, as adopted and incorporated by reference herein, and its application within the Town of Beverly shall be subject to Legislative Rules adopted by the State Fire Commission and authorized by the West Virginia Legislature.

(c) The following sections of the State Building Code, as adopted and incorporated by reference herein are hereby revised as follows:

- (i) Section 101.1. Insert: "Town of Beverly"
- (ii) Section 103.5. Insert: "The fees for activities and services performed by Town of Beverly personnel or its agents in carrying out its responsibilities under this code shall be set forth in a fee schedule adopted by the Town of Beverly Commission by Resolution, which may be amended from time to time."
- (iii) Section 112.4. Insert: "a fine of no less than \$50 dollars or more than \$500 dollars."
- (iv) Section 302.4. Insert: "six (6) inches"
- (v) Section 304.14. Insert: "from April 1 to October 1"
- (vi) Section 602.3. Insert: "from November 1 to April 1"
- (vii) Section 602.4. Insert: "from November 1 to April 1"

(d) Nothing in this legislation or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed of this law. Nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

(e) Any existing ordinance that is determined to be more stringent or imposes a higher standard than is required by the International Property Maintenance Code shall govern, provided such ordinance is not contrary with the laws of the State of West Virginia and is not contrary to recognized standards and commonly accepted engineering practices.

(f) The Code Official shall enforce the provisions of the International Property Maintenance Code. The Code Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. The Code Official shall issue all necessary notices and orders to ensure compliance. Such interpretations, policies, and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

The Code Official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

(g) The Town of Beverly Police Department shall assist the Code Official in the enforcement of the International Property Maintenance Code.

(h) The Violation; Penalties section of the International Property Maintenance Code is hereby amended and completed as follows:

Any person who shall violate a provision of the International Property Maintenance Code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. Failure to comply with a demolition order shall be deemed a violation subject to the penalties prescribed herein.

(i) 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.

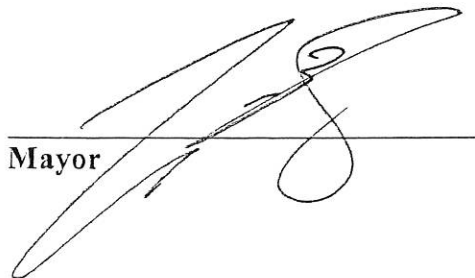
(j) Jurisdiction over the enforcement of this Ordinance shall be with the Town of Beverly's Mayor pursuant to the power and duties of the Mayor as codified at W. Va. Code § 8-10-1.

(k) This Ordinance shall be deemed effective on August 1, 2022.

PASSED AND APPROVED ON FIRST READING THIS 13<sup>th</sup> DAY OF  
June, 2022.

PASSED, APPROVED, AND EFFECTIVE ON SECOND AND FINAL READING  
THIS 11<sup>th</sup> DAY OF July, 2022.

TOWN OF BEVERLY, WEST VIRGINIA

  
\_\_\_\_\_  
Mayor

Attest:

Robin L Wilson  
City Clerk