

MARCH 11, 1954

Meeting of the Council of the Village of Beech Bottom was called to order at 7:10 P.M. by Mayor Lewis. All members of Council were present.

GARBAGE Motion by Kadlic, seconded by Custer.

That we continue having the garbage collected for the next two months under the same agreement that Mr. Bernard Di Egidio had with the Wheeling Steel Corporation. The Recorder was instructed to put up notices that the people of the Village will be billed for this service as of March 1, 1954. (Passed Unanimously.)

OFFICE EQUIPMENT Motion by Mumper, seconded by Craft.

That the following equipment be requisitioned through the Wheeling Steel Corporation for the Village of Beech Bottom:

- 1 #1260-FB Art Metal Desk 60" Gray
Price: \$145.00 Each, less 15%
- 1 #1260-TL Secretarial Desk, Gray
Price: \$177.50 Each, less 15%
- 1 C75 Posture Chair.
Price: \$50.00 Each, less 15%
- 1 #1230N Royal Metal Swivel Arm Chair.
Price: \$59.50 Each, less 15%
- 7 #911N Side Arm Chairs.
Price: \$31.50 Each, less 15%
- 1 56B45 Art Metal 4 Dr. File with lock. (Legal size)
Price: \$84.25 Each, less 15%
- 18 #2602 Samson Folding Chairs.
Price: \$5.65 Each, Net.
- 1 Lamp.
Price: \$5.00 Each, Net.
- 8 Venetian Blinds. Various sizes.
Price: \$52.50 Net.
- 1 Resnor USSF Gas fired unit heater.
Price: \$269.00 less 33-1/3%
- 5 2' lengths, 24ga. 7" galv. pipe.
Price: \$.68 Each.
- 3 7" 90deg. 24ga. adj. ells.
\$.65 Each.
- 1 7" Brighter Exhauster.
\$14.36 Each.
- 1 #11-6,278,565 Pica type reconditioned
underwood typewriter.
Price: \$85.00 Each.

(Motion passed Unanimously.)

APPLICATIONS FOR OFFICES OF TREASURER, TOWN MARSHALL, AND SUPT. OF STREETS AND ROADS. Motion by Wallace, seconded by Campbell.

That a notice for applications for the offices of Treasurer, Town Marshall, and Supt. of Streets and Roads be posted and applications be brought before council for their consideration.

(Passed Unanimously.)

VILLAGE SOLICITOR. Motion by Custer, seconded by Craft.

That we accept Mr. Ralph Pryor's offer to serve as Village Solicitor without pay. (Passed Unanimously.)

CHARLES BROWN TO CONNECT TO GAS, WATER, AND SEWER LINES.

Motion by Kadlic, seconded by Custer.

That Mr. Charles Brown, who is building a house next to the firehouse, be given permission by written agreement with the Village to dig a trench for water, gas, and sewer in front of the fire house, with the stipulation that the damage be repaired at least as good as the present condition. (Passed Unanimously.)

STATIONERY FOR VILLAGE Motion by Kadlic, seconded by Campbell.

That the Recorder order Stationery as needed for the Village Council. (Passed Unanimously.)

Meeting adjourned at 9:15 P.M.

Donald P. Lewis
MAYOR

Charles R. Mumfer
RECORDER

MARCH 25, 1954

Meeting of the Council for the Village of Beech Bottom was called to order by Mayor Lewis at 8:25 P.M.

DEPUTY MARSHALL Motion by Custer, seconded by Campbell.

That we appoint Henry J. Lizon as Deputy Marshall begining April 1, 1954, at a salary of \$150.00 per month until further notice. (Passed Unanimously.)

TOWN MARSHALL Motion by Kadlic, seconded by Custer.

That we appoint William Watson Town Marshall. The Village will furnish him with gun, badge, and bond. (Passed Unanimously.)

SUPERINTENDENT OF STREETS, ROADS, AND ALLEYS. Motion by Wallace, seconded by Custer.

That Morgan Bier be appointed Supt. of the Streets, Roads, and Alleys. (Passed Unanimously.)

PAY FOR COUNCIL Motion by Wallace, seconded by Custer.

That all members of council serve without pay. (Passed Unanimously.)

STAIN AND VARNISH FOR COUNCIL CHAMBER FLOOR. Motion by Walter Campbell, seconded by Kadlic.

That we buy stain and varnish as needed for Council Chamber Floor. (Passed Unanimously.)

BONDS FOR MARSHALL, DEPUTY MARSHALL, TREASURER, AND MAYOR. Motion by Kadlic, seconded by Campbell.

That Mayor Lewis have power to purchase bond for the Marshall, Deputy Marshall, Treasurer, and Mayor. (Passed Unanimously.)

BADGES. Motion by Wallace, seconded by Campbell.

That Mayor Lewis be authorized to Purchase badges for Marshall, Deputy Marshall, and Mayor. (Passed Unanimously.)

Meeting adjourned at 9:35 P.M.

Charles R. Mumfer
RECORDER

Donald P. Lewis
MAYOR

APRIL 1, 1954.

A meeting of the Council of the Village of Beech Bottom was held at 7:00 P.M. Mayor Lewis called the meeting to order. All members of Council were present. Mr. Russel Klieves and Mr. Harold Doubleday of the Wheeling Steel Corporation were present to offer a proposal on the water well operation. The proposal was as follows:

1. This Corporation will agree to convey to the Village of Beech Bottom the present water wells at Beech Bottom, including pump house, pumps, motors, chlorinators and other operating equipment and also including the land around wells, "as is- where is". The consideration will be nominal. The title to said wells, equipment and land will be conveyed subject to the lien of this Corporation's First Mortgage, as amended. The deed will specify that the land is conveyed "for municipal purposed" only and will be conditioned that in the event the wells are abandoned by the Village, the land will be reconveyed to this Corporation, it's successors and assigns.
2. This Corporation will transfer to the Village the six inch (6") cast iron main pipe line located between the wells, on the west, and the westerly limits of the Townsite, on the East. Such transfer will be made at a nominal consideration.
3. This Corporation will grant to the Village a right of way or easment to maintain, operate, repair, renew, and remove said six inch (6") cast iron main pipe line, under and across the Corporation's lands bounded on the west by the wells and on the east by the westerly right of way line of West Virginia State Route No. 2. The grant will be made subject to the lien of said First Mortgage and conditioned as follows:
 - a. Upon abandonment of the pipe line for use in carrying water from said wells, the right of way or easement shall terminate and the Village shall reconvey such right of way to the Corporation, its successors and assigns, upon its or their request;
 - b. The Corporation shall reserve the right to use the surface of the land under which said pipe line is constructed.
4. The Village will agree to furnish to this Corporation,

for a period of ten years, the Corporation's water requirements at its Beech Bottom Works, Steelcrete Factory, the doctor's office location and store building (as long as such location and building are owned by the Corporation), farm house at or near Stop 46 and the Stop 45 Tenement houses for a monthly fee of \$210.00 (75% of the average costs to the Corporation of producing water from said wells over the last three year period). The Corporation shall have the right to renew such agreement for five years at the same monthly cost. The Corporation shall have the right to terminate said agreement at any time on sixty (60) days' notice.

5. Under this proposed plan the wells shall be operated, maintained, repaired and renewed by the Village at its own expense. The Village must understand that it shall not have the right during the term of said agreement to sell, lease or otherwise dispose of said wells without the consent of the Corporation, its successors and assigns. The transfer of title to wells, equipment, pipe line, etc., and the making of said agreement shall not become effective until the Village has received approval of the entire transaction from the Public Service Commission of West Virginia. Further, the Village shall not create and bonded indebtedness on its water system for improvements or extensions during the term of said agreement without the consent of the Corporation.

(COPY)

R. A. KLIEVES

After discussion of the proposal, the meeting was adjourned by Mayor Lewis.

Charles R. Munster
RECORDER

Donald Lewis
MAYOR

APRIL 12, 1954

The meeting of the Council of the Village of Beech Bottom was called to order by Mayor Lewis at 7:15 P.M. All members of council were present. Mr. Jack Martin of the Monongahela Power Company was present with a proposal as to the power contract for the Village.

ORDINANCE FOR STREET AND HIGHWAY LIGHTING Proposed by Wallace, seconded by Kadlic.

The ordinance is as follows:

The Council having under consideration the matter of street and highway lighting for the Village and the agreement with Monongahela Power Company relating to the same, and having discussed the same with representatives of said Company present at this meeting; after due consideration thereof, on motion duly made, voted and carried, it is ordered that the following resolution and ordinance be and the same is hereby enacted and ordained, to-wit:

WHEREAS, the said Company, by its said representatives, presented to Council a proposed agreement in writing between this Village and said Company, prepared for execution by this Village and said Company, dated as of the 1st day of March, 1954, covering the matter of lighting

the streets, alleys, highways and public places of Village under said agreement bearing date of the 1st day of March, 1954, the term of said agreement to be for a period of Twenty (20) years in accordance with the provision in the schedule of said rates attached to and made a part of said rates attached to and made a part of said proposed agreement so prepared to be executed; and

WHEREAS, said proposed agreement in writing and the rate schedule thereto attached were read to, seen and inspected and approved by the Council; THEREFORE,

It is further ordained and enacted that the Mayor of this Village be and he is hereby authorized and directed, for and on behalf of this Village, to execute, in triplicate, said proposed written agreement with said Company as so prepared and presented, and that the corporate seal of this Village thereunto affixed, duly attested by the Recorder/Clerk of this Village one of the triplicate copies of said agreement, when executed on behalf of said Company, to be delivered to and retained by the Recorder/Clerk of this Village, and the other two copies thereof, when so executed, to be delivered to and retained by said Company.

State of West Virginia,
County of Brooke,
Village of Beech Bottom,

I, Charles R. Mumper, Recorder of the Town of Beech Bottom, do hereby certify that the foregoing is a true and complete copy of a resolution and ordinance duly passed at a meeting of the common council of the Village of Beech Bottom, held on the 12th day of April, 1954, as the same is now of record upon the minute book of said Council.

Given under my hand and seal of said Town, this the 12th day of April, 1954.

Charles R. Mumper, Recorder.

(passed unanimously.)

TREASURER'S PAY Motion by Custer, seconded by Campbell.

That the Village pay the Treasurer twenty (\$20.00) dollars per month. (Passed unanimously.)

APPOINTMENT OF TREASURER Motion by Wallace, seconded by Elmer Craft.

That we accept Armand Lewis' application for Treasurer, to be effective at once, but for his salary to begin April 16, 1954. (Passed unanimously.)

FLAG FOR FLAGPOLE IN FRONT OF COUNCIL CHAMBERS Motion by Wallace, seconded by Custer.

That we accept Mr. Henry Lizon's donation of an American Flag for the flagpole in front of the Council Chambers. The flag is the one that draped the coffin of his son Henry J. Lizon, Jr. who was killed in France. The flag to be raised on Memorial Day in honor to all those who have served their country and especially to those who gave their lives defending it. (Passed unanimously.)

WATER COMMISSIONER Motion made by Wallace, seconded by Mumper.

That notice for the applications for the job of Water Commissioner be posted, The job to consist of tending the wells and pumps, and general supervision of the water system. The job is to pay thirty dollars (\$30.00) per month. (Motion passed with one dissenting vote by Elmer Craft.)

BANKING Motion by Custer, seconded by Mumper.

That the Village of Beech Bottom do their banking at the Wellsburg Banking and Trust Co. (Passed unanimously.)

AUTOMOBILE INSURANCE FOR MARSHALL Motion by Wallace, seconded by Kadlic.

That Marshall Watson be given permission to change his automobile insurance from private to business insurance, with the Village to stand the additional cost. (Passed unanimously.)

Mayor Lewis adjourned Council until 7:00 P.M. Tuesday, April 20, 1954.

Charles R. Mumper
RECORDER

Donald Lewis
MAYOR

APRIL 20, 1954

A regular meeting of the Council of The Village of Beech Bottom was held on the 20th of April 1954. Mayor Lewis called the meeting to order at 7:05 P.M. All members of Council were present with the exception of Elmer Craft.

WATER COMMISSIONER Motion by Kadlic, seconded by Campbell.

That Council table the appointment of Water Commissioner until next meeting. (This motion passed with one dissenting vote by Wallace.)

GARBAGE Motion by Wallace, seconded by Kadlic.

That we charge one dollar (\$1.00) per month per apartment for the first two months (March & April) and beginning May first, the charges to be \$1.25 per month per apartment for collection of garbage. (Passed unanimously.)

#2 GARBAGE Proposed by Kadlic, seconded by Custer.

The following ordinance was proposed by Joseph Kadlic:

WHEREAS, the Village is desirous of adopting an ordinance providing better service and protection to the citizens of this Village and promoting their well being and health, and protecting their property, and providing for a method of disposal of garbage and other waste accumulation of garbage, rubbish, and other unsanitary, unsightly, and deleterious waste substances, and the improper disposal thereof, and to provide penaltiestherefor:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the Village of Beech Bottom, West Virginia:

Section 1
Definitions

Item 1 Garbage. The term "garbage" shall be interpreted to mean all putrescible wastes, except sewage and body wastes, including

vegetable and animal offal and carcasses of small dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residents.

Item 2-Refuse. The term "refuse" shall include all nonputrescible wastes, such as ashes, tin cans, metal utensils, bottles, metals, glass, crockery, paper, rags and other discarded articles.

Section 2

Accumulation of garbage and refuse and approved containers.

Item 1. It shall be unlawful and a violation of this ordinance for any owner, tenant, or lessee of any public or private premises to permit to accumulate any garbage or refuse upon his premises for a period exceeding one week. Such accumulation shall be according to and in the manner prescribed by the rules and regulations made and published by City Council.

Section 3

Collection of garbage and refuse.

Item 1. All collections of garbage and refuse shall be made by or under the direction and supervision of the Village of Beech Bottom. No person, firm or corporation shall collect, transport or dispose of garbage or refuse within the limits of the City, who does not possess a written permit of the City to do so. Such permits shall be issued with the approval of the City Council. Nothing herein contained, however, shall be construed to compel the city to collect garbage and refuse in the City trucks with City personnel; the City Council may contract with any person, firm or corporation for the said collections, transportation or disposal, on the basis of competitive bidding, and for a period of from one year to three years.

Section 4

Accumulation and disposal of garbage and refuse.

Item 1. It shall be unlawful and a violation of this ordinance for any person, firm or corporation to dispose of garbage and refuse in any public place within one mile of the corporate limits of the Village of Beech Bottom, in any manner other than as herein provided.

Item 2. All garbage and refuse shall be disposed of by the collector by one of the following methods: (1) Sanitary land fill, (2) Incineration or (3) Dumping ground.

If open dumping is employed, the sites shall be situated so as not to create a nuisance to any person, firm or establishment. All sites shall be approved by the council and the State Board of Health and shall not create a fire hazard, a breeding ground for rodents or vermin and shall in no way endanger the safety and welfare of any person or persons.

Section 5

Service fees and charges for collection of garbage.

Item 1. All fees and charges for garbage collection and service shall be assessed against the person in whose name water and other

utilities are charged. The City, through a person designated by the City Council, shall collect all garbage fees and charges, and shall set them out by separate items on the statements of water charges, or by any other appropriate method. On and after the 20th day of April 1954, the rates for the collection of garbage and service to the people of Beech Bottom, shall be:

A single family residence, including garage apartments \$1.25 per month; Each apartment \$1.25 per month.

The fees and charges for collection of garbage and services to commercial establishments shall be determined by the volume of garbage and waste collected and the costs of their removal, such fees and charges to be fair and reasonable and to be set so far as may be by agreement of the owner and the Village.

Item 2. That the person designated by the City Council to collect for garbage service shall have the power and authority to arbitrate and determine a fair and reasonable charge for the service rendered at any place.

Item 3. So much of the funds collected from garbage disposal as shall be necessary for the operation, repair, and maintenance of all equipment necessary for garbage collection in the event said Village collects and disposes of the garbage itself, or so much of the funds collected from garbage disposal necessary to pay any firm, person, or corporation to collect and dispose of garbage and refuse shall be so used. The residue of funds accruing from the operation shall be available for such purposes as the Council may determine.

Section 6.

Item 1. That the Village of Beech Bottom shall make and publish rules for the effective accumulation, collection, disposal of garbage and refuse and the administration and enforcement of the provisions of this ordinance. Any such rules so made and published shall be first approved by the City Council, and shall thereafter have the force of law and a violation of any rule intended to effect the purpose of any section of this ordinance shall be punished in the same way as a violation of such section.

Section 7.

Item 1. No garbage or refuse shall be collected from any premises where the owner or lessee is in arrears for a period of six weeks. Fermenting, putrifying, or odiferous garbage in containers uncollected or dumped in the open or disposed of in violation of other sections of the ordinance due to failure to pay garbage fee shall be declared a nuisance.

Section 8.

Item 1. That any person or corporation violating the provisions of this ordinance or any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and shall be fined not less than one (\$1.00) dollar or more than fifty (\$50.00) dollars.

Adopted at a regular meeting of the Council held on the 20th day of April, 1954.

GARBAGE BID Motion by Wallace, seconded by Mumper.

That we accept Bernard Di Egidio's bid for the collection and disposal of garbage, to be effective May 1st, 1954 through June 30, 1955 on the condition that he raise his liability insurance to \$50,000 and \$100,000.

AN ORDINANCE PRESCRIBING RULES FOR THE GOVERNMENT OF THE COUNCIL OF THE VILLAGE OF BEECH BOTTOM. Proposed by Wallace, seconded by Custer. #3

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEECH BOTTOM:

SECTION 1.

Rule 1. The Council of the Village of Beech Bottom shall hold one regular meeting each month on the second Monday thereof, except as herein otherwise provided, and such regular meeting shall be held in the City Hall of the Village of Beech Bottom and shall commence at seven O'clock P.M. Whenever a legal holiday falls on Monday the regular meeting shall be held at the aforesaid hour and place on the Tuesday following such holiday. In event that such regular meeting cannot be held in the said City Hall, it shall be held at such other convenient place in the Village of Beech Bottom as may be designated of record by a majority of the members of Council.

Rule 2. Special meetings of the Council shall be held upon the request of any two members of the Council. Said request shall be in writing, signed by the members making the same and shall be filed with the Recorder in such time as to permit the giving of not less than twelve hours notice of such special meeting to each member and each person entitled to a seat in Council and it shall thereupon become the duty of the Recorder to give such notice. The Recorder shall also give notice of such special meeting by posting notice of same in three public places in the Village of Beech Bottom.

Rule 3. The presiding officer shall take the chair at the hour appointed for the Council to meet, and having called the members to order, shall preserve order and decorum, and in case of disturbance or disorderly conduct in the assembly, may cause the same to be cleared.

Rule 4. When the roll of the Council is called, the names of members shall be in alphabetical order.

Rule 5. A majority of the members elected to the Council including the Mayor and Recorder, shall be a quorum to do business, but a less number may adjourn from time to time. All legislative action shall be by ordinance except where otherwise required by the constitution or the laws of the State. The Council shall keep a journal of it's proceedings which shall be a public record. At the desire of any member the ayes and noes shall be entered upon the journal and on the passage of every ordinance, the vote shall be taken by ayes and noes and entered on the journal, and no ordinance shall be passed without the concurrence of a majority of the members elected to council, including the Mayor and Recorder.

Rule 6. Every ordinance shall be fully and distinctly read on two different meetings unless three-fourths of the members elected to Council, including Mayor and Recorder, dispense with this rule. No ordinance shall contain more than one subject, which shall be clearly expressed in it's title. Council may adopt condification ordinances, codifying, revising and rearranging the ordinances of the village or any portion of such ordinances; every ordinance and resolution of Council shall be recorded in the office of the Recorder,

and shall be a public record. The recorder shall prepare and keep a full and proper index of all ordinances, as well as separate indices of other proceedings of Council.

Rule 7. Any member of Council having any interest, direct or indirect, other than as a citizen of the Village of Beech Bottom, in any matter to be acted upon in any way by Council, shall have no vote on such matter, nor shall he be privileged, to take part in the discussion thereof, except by unanimous consent of council, and, upon the request of any other member of Council he shall retire from the session until such matter has been disposed of.

Rule 8. Council shall elect from among its members a Vice Mayor who shall perform the duties of the Mayor during his absence or disability. In event of the death, removal or resignation of the Mayor, the Vice Mayor shall become acting Mayor for the unexpired term. The vacancy on the Council created by the elevation of Vice Mayor or a vacancy caused by the death, removal or resignation of any member of Council, shall be filled by election by the Council of any qualified citizen of the Village of Beech Bottom for the unexpired term.

Rule 9. Vacancy in the office of Recorder shall be filled by election by the Council of any qualified citizen of the Village of Beech Bottom for the unexpired term.

Rule 10. In all elections to office by Council, the vote shall be taken "viva voce" and entered on the journals.

Rule 11. All questions of order shall be decided by the presiding officer subject to an appeal to the Council.

Rule 12. Every member present, when a question is put, shall vote, unless the Council, for special reasons, shall excuse him or he is prohibited from voting by Rule No. 7.

Rule 13. When a motion is made and seconded, it shall be deemed to be in the possession of the Council, and shall be stated by the presiding officer, or, being in writing, read by the Recorder, previous to the debate; such motion may be withdrawn by its author at any time before decision or amendment, by the consent of the Council.

Rule 14. The order of procedure at the meeting of Council shall be as follows:

1st. Roll call, journal of preceding meeting and report of Recorder.

2nd. The unfinished business appearing on the minutes.

3rd. Reports from committees.

4th. Report from Mayor.

5th. Reports from any other officer or officers of the Village.

6th. Petitions of redress or grievance.

7th. Petitions of all other kinds.

8th. Original propositions from any member.

Rule 15. At each meeting the journal of the preceding meeting shall be first read, and being corrected, if necessary, shall be signed by the presiding officer and attested by the Recorder, unless the reading shall be postponed by a two-thirds vote of the members present.

Rule 16. The order of proceedings may be suspended or changed

at any meeting, for the time only, by the vote of the majority of the Members elected.

Rule 17. All questions not requiring a roll call vote may be put in the following form: "All those in favor (of the motion, resolution or other action, as the case may be) say "aye", contrary "no" and, in doubtful cases, or when an affirmative vote of more than a mere majority of the members present is necessary to carry the proposition, or upon the demand of any one member, the "ayes" and "noes" shall be taken and recorded on any question before the Council. At the conclusion of every vote, the presiding officer may announce the result thereof in the following form: "The ayes have it, the (motion, ordinance, resolution or other action, as the case may be) is adopted," or, "The noes have it, the (motion, ordinance, resolution or other action, as the case may be) is defeated".

Rule 18. All committees shall be appointed by the presiding officer. Committees must report back to Council on all matters referred to them not later than the second next meeting of the Council for general business.

Rule 19. All officers not specifically designated by the laws of West Virginia shall be appointed by the Mayor with the advice and consent of the Council.

Rule 20. The Recorder shall be clerk of Council and ex-officio clerk of all committees of council, except as otherwise directed by Council.

Rule 21. Any committee may be called to meet by the Chairman or any two members thereof.

Rule 22. When a member of Council desires to speak he shall respectfully address himself to the presiding officer and await recognition before speaking.

Rule 23. All business brought before Council by motion, resolution or any other way, and laid upon the table, shall be considered as finally disposed of unless taken from the table by order of Council at one of the three next meetings for general business following the meeting at which it was tabled.

Rule 24. No vote of any proposition or motion shall be reconsidered at the session at which said vote is taken, unless a motion to reconsider is made by a member voting with the prevailing side of the question.

Rule 25. The Marshall shall act as sergeant-at-arms at all meetings of Council.

Rule 26. The rules of parliamentary practice comprised in Roberts' Rules of Order, shall govern in all cases to which they are applicable, when not inconsistent with these rules or any ordinance of the Village of Beech Bottom or order of Council.

SECTION 2. This ordinance shall take effect from and after the date of its passage.

ADOPTED THE 20th DAY OF APRIL, 1954

ORDINANCE RELATING TO OFFENSES.

The ordinance relating to offenses was read for the first time. Mr. Wallace moved that Section 12 of the proposed ordinance be dileded. Motion seconded by Mr. Campbell. The motion was passed with two dissenting votes by Kadlic and Custer.

ORDINANCE DEFINING THE POWERS AND DUTIES OF THE MAYOR OF THE VILLAGE OF BEECH BOTTOM.

The ordinance defining the powers and duties of the Mayor

of the Village of Beech Bottom was read for the first time.

WATER AND SEWERS FOR FIRST STREET.

Mr. Pyle who owns a lot on First Street, raised a question as to water and sewerage for the north side of First Street. Council informed Mr. Pyle that at the present time they could not answer his question because the water lines and sewers have not been turned over to the Village by the Wheeling Steel Corporation.

SAFE FOR VILLAGE. Motion by Custer, seconded by Kadlic.

That the Recorder write a letter of thanks to the Wheeling Steel Corporation for their donation of a safe to the Village. (Passed Unanimously)

TREASURER'S SUPPLIES. Motion by Kadlic, seconded by Wallace.

That the Treasurer be permitted to buy necessary supplies up to one-hundred dollars (\$100.00). (Passed Unanimously.)

Mayor Lewis adjourned the meeting at 9:35 P.M.

Charles R. Mumpfer
RECORDER

Donald Lewis
MAYOR

APRIL 26, 1954.

Mayor Lewis called the special meeting of the Village of Beech Bottom Council to order, and instructed Mr. Kadlic to serve as presiding officer for this meeting.

5 AN ORDINANCE DEFINING THE POWERS AND DUTIES OF THE MAYOR OF THE VILLAGE OF BEECH BOTTOM. The following ordinance was read for the second time.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEECH BOTTOM:

SECTION 1. The Mayor shall be the chief executive of the Village and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed, and shall preside at all council meetings.

SECTION 2. He shall be ex-officio a justice and conservator of the peace within the village, and shall, within the same, have and exercise all powers, and perform all duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases.

Section 3. Any warrant or other process issued by him may be executed at any place within the County in which the Village is situated.

SECTION 4. He shall have control of the police of the Village and may appoint special police officers whenever he deems it necessary, except when otherwise provided by law; and it shall be his duty especially to see that the peace and good order of the Village are preserved, and that persons and property therein are protected; and to this end he may cause the arrest and detention of all riotous and disorderly persons in the Village before issuing his warrant therefor.

SECTION 5. He shall have power to issued executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and, in default of such payment, he may commit the party in default to the Brooke County jail until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days.

SECTION 6. He shall, from time to time, recommend to the Council such measures as he may deem needful for the welfare of the Village.

SECTION 7. The expense of maintaining any person committed to the Brooke County jail, except it be to answer an indictment, or be under the provisions of section eitht and nine (§ § 5176 and 5177), article eighteen, chapter fifty of the code of West Virginia 1949 shall be paid by the Village and taxed as part of the costs of the proceeding.

SECTION 8. Such mayor shall not receive any money belonging to the State or individuals, unless he shall give bond and security required of a justice of the peace by article one, chapter fifty (§ § 4905 et seq.) of the code of West Virginia 1949; and all the provisions of said article one (§ § 4905 it seq.) relating to moneys received by justices shall apply to like moneys received by such mayor.

SECTION 9. Warrants issued from the mayor's court shall be upon complaint sworn to before the mayor and thereupon the mayor shall sign and issue the warrant directed to the Village Marshall or such other officers as he may see fit, and it shall be the duty of any officer to whom such process is directed to execute the same without delay.

SECTION 10. The Village recorder shall be the clerk of the Mayor's court and shall keep a record of all proceedings therein.

SECTION 11. The Mayor, as a court, may punish for contempt any person guilty of any of the following acts:

(1) Contemptous or insolint behavior towards the mayor while engaged in the trial of a case.

(2) Any breach of the peace, wilful distrubance, or indecent conduct in the presence of the juries while so engaged, or to obstruct or interrupt their proceedings.

(3) Violence or threats of violence to the justice or any officer, witness or party going to, attending, or returning from any judicial proceedings before such mayor in respect to anything done, or to be done in the course of such proceedings.

(4) Misbehavior of any officer in his official character in respect to any action or judicial proceeding had or pending before the mayor, or any person, judgment, order or notice therein.

(5) Disobedience or resistance of any officer, witness, party, or other person to any lawful process, judgment or order of such mayor.

SECTION 12. This Ordinance shall take effect from and after the date of it's passage.

ADOPTED THE 26th day of April, 1954 (Motion by Campbell, seconded by Custer.) Passed unanimously.

#4
AN ORDINANCE RELATING TO OFFENSES. This Ordinance was read for the #4 second time.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEECH BOTTOM:

SECTION 1. It shall be unlawful for any person to commit or perpetrate any indecent, immodest, lewd or filthy act, by words or action, in any street or any other public place.

SECTION 2. It shall be unlawful for any person to utter or speak any lewd or filthy words or profane language in any street or

other public place.

SECTION 3. It shall be unlawful for any person to make any indecent and immoral exhibition or exposure of his or her person, or to cause or procure any person or persons to do the same, in the presence or view of any other person or persons, or to appear on any street or other public place within the village in a state of intoxication or drunkenness.

SECTION 4. It shall be unlawful for any person to print, engrave, make, sell or offer for sale, or exhibit for sale, any indecent, immodest or lascivious book, pamphlet, paper, picture or statuary.

SECTION 5. It shall be unlawful for any person to commit or cause any riot, noise, disorder or tumult, or loud personal abuse of any person by words, to the disturbance of the peace or quiet of the Village, or to disturb the peace and quietude of the Sabbath Day. And for the purpose of endorsing the provisions of this section it shall be lawful for the mayor, or any Marshall of the Village to enter any house, outhouse, garden or place of amusement, to arrest any person violating the same.

SECTION 6. It shall be unlawful for any person to commit an assault or battery, or aid, or abet, or encourage any one in so doing.

SECTION 7. It shall be unlawful for any person or persons to loiter idly at or near any dwelling house or store in the said Village, or to ring any door bell, or to rap any door or window, with intent to annoy or deceive the inmates of any house or store; or maliciously or intentionally to engrave, deface, mutilate or destroy any property of the town, or any individual, or any house, fence, railing, or any goods or chattels, the property of any person or persons.

SECTION 8. It shall be unlawful for any person to tear down, deface or destroy any notice or ordinance posted in any public place by any officer of this Village under the authority of the law.

SECTION 9. It shall be unlawful for any persons to assemble on any street, alley, or other public place, or in any house, outhouse, stable, office, shed or private place, board yard or lot of ground, for the purpose of prostitution, lewdness or indecency.

SECTION 10. It shall be unlawful for any person, without having a license therefore, to carry about his person any revolver or other pistol, air-gun, dirk, bowie-knife, sling shot, razor, billy, metallic or other false knuckles, or other dangerous or deadly weapon of like kind and character.

SECTION 11. It shall be unlawful for any person to practice any trick, game, or device with intent to swindle; or to pick or attempt to pick, or to aid in picking pockets; or to be found with tools and instruments for the purpose of breaking and entering any building, outhouse, storeroom, or other enclosure.

SECTION 12.

SECTION 13. It shall be unlawful for any person to drive or operate an automobile or other power-driven vehicle at any speed within the Village with reckless disregard to human life or property.

SECTION 14. It shall be unlawful for any person to drive or operate, within the Village, a motor vehicle when intoxicated or under the influence of liquor, drugs or narcotics.

SECTION 15. Any person, persons, firm or corporation violating any of the provisions of this section shall upon conviction before the mayor be fined not more than Fifty Dollars (\$50.00) or confined in the county jail not to exceed (30) days, or both.

SECTION 16. This Ordinance shall take effect from and after the date of its passage.

ADOPTED THE 26 DAY OF APRIL, 1954 (Motion by Campbell, seconded by Custer. Passed unanimously.)

STOP SIGNS.

Marshall Watson asked Council about Stop signs for First street, Second Street, and Fourth Street. Mayor Lewis said that he would investigate.

WATER COMMISSIONER Motion by Custer, seconded by Campbell.

That we appoint a Water Commissioner. (Passed unanimously.)

WATER COMMISSIONER Motion by Custer, seconded by Craft.

That Council accept Charles Sadlers application for Water Commissioner. (Motion passed, with one dissenting vote by Wallace.) Mr. Sadler is to take office when the Wheeling Steel Corporation turns the water system over to the Village of Beech Bottom.

TREASURER'S REPORT

Treasurer reported that traffic tickets, "Paid" date stamp, had been purchased. Also a discussion by council and the treasurer as to a blanket post card bill to be printed covering all bills to be sent to residents of the Village.

TREASURER'S SUPPLIES. Motion by Custer, seconded by Wallace.

That the Treasurer be permitted to buy all necessary supplies for his office.

GUN FOR VILLAGE OFFICER.

A discussion on a gun for the Village Marshall resulted in deciding for each member of Council to try to check any sources from which we could get a free gun.

MAPS OF VILLAGE.

Mr. Kadlic instructed Mr. Wallace to check with the Wheeling Steel Corporation about getting maps of the Village photostated and reduced in size for the comparison of council with the large maps. Whichever size Council decides on is to be enclosed in glass, and hung on the wall of the Council Chambers.

SIDEWALKS.

There was a discussion on sidewalks on Hill Street, and on First Street. This matter was referred to the Street Commissioner.

BILLS AGAINST THE VILLAGE Motion by Custer, seconded by Campbell.

That the bills against the Village of Beech Bottom be paid as soon as sufficient funds are available.

Meeting adjourned at 9:30 P.M. by presiding officer Joseph Kadlic.

Charles R. Mumper
RECORDER

Joseph M. Kadlic
PRESIDING OFFICER

MAY 10, 1954.

MR. J. G. Squibb, General Manager of the Beech Bottom Works of the Wheeling Steel Corporation, came to the Council Chambers of our Village as a representative of the Wheeling Steel Corp. to present the Village with a check in the amount of \$5865.24. This was the balance of the gift of \$7500.00 that the Wheeling Steel Corporation donated to the Village of Beech Bottom. The expenditures, which totaled \$1634.76 are listed as follows:

(1) Legal expense of election	\$350.00
(2) Expense of election:	
Election officials (Emma B. Campbell, Comm., Gladys J. Jack, Comm., Rebecca I. Gray, Clerk, Bessie Abernathy, Clerk.)	54.00
Ballots	32.50
Newspaper (legal notices)	7.40
Supplies (file, minute book and seal.)	23.02
(3) Paint, etc., acquired by Village from Land Dept., storeroom.	116.69
(4) Office equipment purchased from Owl Print Shop. (see page 5.)	718.29
(5) Unit Heater, etc. purchased from Amstan Supply Division (see page 5.)	195.06
(6) Reconditioned Underwood Typewriter purchased from Underwood Corporation.	85.00
(7) Venetian shades purchased from Cooley-Bentz Company.	52.80
TOTAL EXPENDITURES	\$1634.76
TOTAL OF CHECK	5865.24
TOTAL CONTRIBUTION	7500.00

After the presentation of the check, the meeting was called to order by Mayor Lewis at 7:25 P.M. The minutes of the previous meeting were read and approved as read.

SIDEWALKS Motion by Campbell, second by Kadlic.

Discussion about sidewalks ended with a motion to table the matter until they have been turned over to the Village by the Wheeling Steel Corporation. (Passed unanimously)

PISTOL FOR MARSHALL Motion by Wallace, second by Custer.

That we buy a Smith & Wesson pistol that was offered for sale for \$35.00 by Alvis Workman. The serial number of the gun is 486840. (Passed unanimously.)

MAPS OF VILLAGE

Maps of the Village have been secured from Wheeling Steel Corporation by Mr. Wallace

STOP SIGNS

Two stop signs have been erected on second street, and four playground signs, two on third street and two on first street. Mayor Lewis is to try to secure two more stop signs for fourth street.

BUDGET FOR VILLAGE.

Mr. Pryor is to go to Charleston to secure information concerning budget for Village. Also to get information on ordinances for Village.

GARBAGE ORDINANCE. Motion by Kadlic, second by Custer.

That we reinact the garbage ordinance. This is to be done because the garbage ordinance is a revenue ordinance and must be published in ten public places. This procedure was not followed in the previous passing of said ordinance. (Passed Unanimously.)

BEER ORDINANCE.

Ordinance on selling beer in the Village was discussed. Mr. Pryor to draw up a proposed ordinance on beer taverns, for approval or disapproval of council.

LIGHT FOR SCHOOL STEPS.

A light for the steps for the school was discussed. It was decided that any action on this should be by the school board.

COMMITTEES.

The following committees were appointed by Mayor Lewis:

STREETS, SIDEWALKS, AND ALLEYS: Mr. Custer, Chairman, Mr. Kadlic, and Mr. Bier. *WALTER CAMPBELL (See Minutes of JAN. 9, 1950)*
 WATER: Mr. Campbell, Chairman, Mr. Wallace, and Mr. Sadler.
 GARBAGE: Mr. Craft, Chairman, Mr. Custer, and Mr. Campbell.
 STREET LIGHTS: Mr. Kadlic, Chairman, Mr. Craft, and Mr. Campbell.
 TRAFFIC: Mr. Wallace, Chairman, Mr. Custer, and Mr. Craft.

PENALTY ON BILLS. Motion by Custer, second by Kadlic.

That a 6% charge be included in the garbage ordinance for failure to pay bills on time. (Passed Unanimously.)

AWNING FOR COUNCIL CHAMBERS. Motion by Wallace, seconded by Craft.

That we accept the bid of the Aluminum Products & Supply Co. for an awning for the front of the Council Chambers, for the bid price of \$337.60. The color to be green top, and white underside. (Passed. One dissenting vote by Kadlic.)

TRAFFIC REGULATIONS:

It was decided that a combined committee of Mr. Pryor, Mr. Wallace, Mr. Custer, Mr. Craft, and Mr. Watson draw up a proposed ordinance on traffic regulations for the approval or disapproval of council.

BILLS AGAINST VILLAGE: (Motions that they be paid.) All unanimous

Henry Lizon \$150.00
 Reid Insurance Agency \$97.58 (Wallace, 2nd Campbell.)
 Valley Press \$23.60 (Wallace, 2nd Craft.)
 McGhee & Company \$34.35 (Custer, 2nd Campbell)
 Wellsburg Banking and Trust Co. \$4.22 (Kadlic, 2nd Wallace.)

Carolina Builders \$1.75 (Custer, 2nd Craft.)
 Wheeling Stamp & Stencil Co. \$7.53 (Craft, 2nd Custer)
 " " " " \$10.62 (Craft, 2nd Kadlic)
 Valley Camp Stores Co. \$.56 (Wallace, 2nd Craft.)
 Manufacturers Light and Heat Co. (Wallace, 2nd Custer) \$6.35
 Postage Stamps \$3.00
 The Michie Co. \$47.00 (Kadlic, 2nd Wallace.)

Mayor Lewis adjourned the meeting at 10:05 P.M.

Charles R. Mumber
 RECORDER

Donald Lewis
 MAYOR

MAY 13, 1954.

Mayor Lewis called the special meeting of the Village of Beech Bottom Council to order, at 7:00 PM.

Motion by Wallace, seconded by Custer that we dispense with the regular procedure, for this meeting. (Passed UNANIMOUSLY)

Motion by Wallace, Seconded by Campbell, that we pay Bernard Di Egidio \$236.00 for the months of March and April. (Passed Unanimously)

Motion by Custer, Seconded by Campbell, that we pay Alvis Workman \$35.00 for a pistol (Serial #486840) for the use of our town Marshall. Passed Unanimously.

Mayor Lewis adjourned the meeting at 7:10 PM.

Charles R. Mumber
 RECORDER

Donald Lewis
 MAYOR

JUNE 14, 1954

Mayor Lewis called the meeting of the Council for the Village of Beech Bottom to order at 8:00 P.M.

Minutes of the previous meetings of May 10, 1954 and special meeting of May 13, 1954 were read and approved as read.

REPORTS OF COMMITTEES.

Mr. Custer, chairman of the Streets, Sidewalks and Alleys Committee, reported that automobiles were parking too far away from the curb.

POLICE SUPPLIES. Motion by Kadlic, 2nd by Campbell. (Passed Unanimously)

That the Village buy the following police supplies:

1 Sam Brown Outfit	Price	\$9.65
1 Police Whistle	"	1.50
1 Leather Handcuffs	"	2.70
1 Flash Action Handcuffs	"	12.25
1 Police chain twisters	"	1.20
1 Leather twister holder	"	.40
		<u>\$18.05</u>

Mr. Campbell reported that he had received complaints about raising rabbits in the Village. Mr. Pryor is in the process of drawing up an ordinance for the approval or disapproval of Council to cover such situations.

Mr. Campbell reported the street light was out on Stop 48 Hill, but is now replaced. Discussion as to moving this light ended in deciding by the majority of Council that location was alright.

Mr. Campbell reported that he had received complaints about speeding on High Street.

POST OFFICE BOX FOR VILLAGE. Motion by Custer, seconded by Wallace.

That the Treasurer rent a post office box in the name of the Village of Beech Bottom, and pay for it one year in advance.

Mr. Kadlic stated that Stop 48 Hill was in need of repair. Mr. Wallace said that the land dept. would patch it.

GARBAGE ORDINANCE. Motion by Kadlic, seconded by Custer.

That the Garbage ordinance be accepted. (Passed Unanimously.)

Mayor Lewis adjourned the meeting at 9:10 P.M.

MAY 1954 \$7836.00
Disb. - 2302.32

JUNE 1, 1954 - 5533.68

Donald H. Lewis
MAYOR

Charles R. Mumper
RECORDER

JULY 12, 1954.

The meeting of the Council for the Village of Beech Bottom was called to order at 7:05 P.M. by Mayor Lewis.

Through a motion by Wallace, seconded by Custer, the minutes of the previous meeting were approved as read.

Mr. Wallace stated that Stop 48 hill has been repaired.

Complaint through Mr. Custer that a step was broken by the garbage truck, also a complaint that garbage was not picked up at two or more homes.

VICE-MAYOR Motion by Wallace, seconded by Campbell.

That Mr. Kadlic be elected as our Vice Mayor.
This motion was passed with one dissenting vote by Custer.

BUDGET COMMITTEE.

Mayor Lewis appointed the following members of council to serve as the budget committee:

Paul Custer, Chairman
James Wallace
Walter Campbell

WATER PROPOSAL FROM WHEELING STEEL CORP.

The water proposal from the Wheeling Steel Corp. was read, and Mr. Custer made a motion that it be approved as to form. This document to be submitted to the public service commission to see if a similar document would be acceptable to the public service commission, If it is acceptable to the Village of Beech Bottom. The motion was seconded by Mr. Campbell. Motion passed with one abstaining vote by Wallace.

First reading of an ordinance regarding the sale of beer and liquor in the Village of Beech Bottom.

It was suggested that a form letter be sent to all persons who are in arrears in payment of their garbage bills.

BILLS AGAINST THE VILLAGE

Mr. Custer made the motion, seconded by Campbell that the following bills be paid:

Garbage--\$137.00
Aluminum Products Co.--\$337.60
Monongahela Power --\$172.89
Manfg. Light & Heat--\$4.04
James Wallace--\$4.59 (Map Frame.)

The Treasurer reported a balance of \$5474.30

Mayor Lewis adjourned the meeting at 9:20 P.M.

Charles R. Mumper
RECORDER

Donald J. Lewis
MAYOR

AUGUST 3, 1954.

Vice-Mayor Joe Kadlic opened the meeting at 7:05 P.M.

Motion by Paul Custer, seconded by Campbell that Council dispose with the regular order of business. (Motion passed unanimously.)

Mr. Wallace gave a report on the budget committee's meeting with Ralph Pryor, Wheeler Hercules, Lawrence Hagerman, and an official of the state tax commission. A discussion followed regarding the levy estimates.

Mr. Wallace Made a motion that the proposed levy estimates be accepted, Paul Custer seconded the motion, and it was passed unanimously.

Vice-Mayor Kadlic adjourned the meeting at 9:05 P.M.

Charles B. Munger
RECORDER

Joseph M Kadlic
VICE-MAYOR

AUGUST 9, 1954.

Vice-Mayor Joe Kadlic opened the meeting at 7:00 P.M.

Minutes of meeting of July 12, 1954 and of meeting August 3, 1954 read and approved as read.

Recorder reported that copies of the levy estimate were sent to Charleston, and that copies are on file in the Recorder's office. Publication of the same was taken care of by our City Solicitor, Mr. Pryor.

Mr. Custer reported that he had talked with the garbage man about not picking up garbage at some residences. Mr. DiEgidio stated that the garbage cans were not placed in the Alley where he could get them.

Mr. Custer reported a hole in the street in front of the Church. Mr. Wallace told council that he would see that it was fixed.

BEER ORDINANCE Motion by Custer, seconded by Campbell.

The ordinance pertaining to the sale of beer in the Village of Beech Bottom was read for the final time. Mr. Custer made a motion that it be adopted, seconded by Mr.

Campbell. The motion passed unanimously.

Mr. Custer reported that Mr. Brown had replaced the ramp in front of the firehouse in good condition.

Mr. Kadlic appointed Armand Lewis to get prices on an adding machine for the Village. He is to get at least two bids.

Discussion of playground signs. It was decided that the one on the west end of First Street was to be moved to the other side of the street.

Mr. Wallace stated that the reason for the temporary shortage of water was due to the fact that the automatic system on the pumps was out of order, and that they had to be controlled manually. He further stated that the automatic system was to be repaired tomorrow (Aug. 10, 1954.).

Mr. Pryor gave the Recorder a letter from the Public Service Commission which stated that they had received the water proposal between the Wheeling Steel Corporation and the Village. The letter also stated that the proposal was under their consideration, and that they would notify us of their decision.

BILLS Motion by Custer, seconded by Wallace.

That the following bills be paid:

- (1) Monongahela Power \$47.71
- (2) Manufactures Light & Heat 1.50

TREASURER reported bal. \$4966.48 AS of Aug. 1, 1954.

Vice-Mayor Kadlic adjourned the meeting at 7:50 P.M.

Charles R. Mumper
RECORDER

Joseph M. Kadlic
VICE-MAYOR

#6 AN ORDINANCE REGULATING THE SALE OF BEER AND LIQUOR IN
THE VILLAGE OF BEECH BOTTOM. #6

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEECH BOTTOM:

Rule 1. No person shall sell within the Village of Beech Bottom, except the State of West Virginia, and intoxicating drinks, liquor or beer, or offer or expose for sale spirituous liquor, wine, ale, beer, or any drink that is of like nature, or any drink or mixture that will produce intoxication, at any house, tavern, theater, beer garden, restaurant house, drug store, public or private eating place of any kind, nature or character, nor permit the same to be sold on any premises except that nothing herein contained shall prohibit the sale of 3.2 beer as in the statutes of the State of West Virginia.

Rule 2. Any person or individual selling 3.2 beer shall first obtain a license in the said Village of Beech Bottom and shall pay an annual license fee in the sum of Fifty (\$50.00) Dollars.

Rule 3. Any person violating the preceeding sections of this ordinance for every such offense shall be fined not less than Ten (10.00) Dollars and not more than One-hundred (\$100.00) dollars or shall be put in prison or in jail for not less than one (1) day and not more than thirty (30) days, or both.

ADOPTED THE 9th DAY OF AUGUST, 1954.

AUGUST 17, 1954.

The meeting of the Council for the Village of Beech Bottom was called to order at 7:00 P.M. by Mayor Lewis.

LEVY ORDER . Motion by Wallace, 2nd by Kadlic. (Passed unanimously.)
 WHEREAS; The council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year for regular minicipal purposes will be \$1569.00, according to the estimate made and entered of record on the 3rd day of August, 1954, and said estimate having been published as required by law, and no one appearing to oppose the same or to take exception thereto, and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levy proposed therein, be approved.

that
 A copy of the levy order form is on file in the office of the Recorder.

BILLS Motion by Kadlic, 2nd by Custer
 That the following bill be paid:
 (1) Garbage -- \$137.00 (Passed Unanimously.)

Mayor Lewis adjourned the meeting at 7:25 P.M.

Charles R. Mumper
 RECORDER

Donald Lewis
 MAYOR

September 13, 1954.

The Meeting of the Council for the Village of Beech Bottom was called to order at 7:05 P.M. by Mayor Lewis.

The minutes of the previous two meetings were approved as read.

Mr. Wallace reported that two street lights had been out, but were now replaced.

ADDING MACHINE Motion by Wallace, 2nd by Custer

That we purchase a Burroughs Adding Machine for the price of \$100.00 less 10% or a total of \$90.00. Passed unanimously.

Council received a letter from Wheeling Steel Corporation stating that they were discontinuing their donation of one-hundred and fifty dollars per month that was used for the payment of the nightwatchman.

Motion by Wallace, 2nd by Campbell that we purchase a mop, mop bucket and a push broom for the Council Chambers. (Passed Unanimously)

Motion by Wallace, 2nd by Campbell that we buy one drum of paint at the price of \$20.00 to be used to paint the exterior of the City Building. (Passed unanimously.)

The following bills were voted to be paid:

Mfg. Light & Heat	1.50
Daily Herald	36.45
W. S. Darley Co.	27.93
Garbage	137.00
Monongahela Power	47.63

TREASURER'S bal. Sept 1, 1954 - \$4929.83

The meeting was adjourned at 8:00 P.M. by Mayor Lewis.

Donald Lewis
MAYOR

Charles R. Mumper
RECORDER

October 11, 1954.

The Meeting of the Council for the Village of Beech Bottom was called to order at 7:05 P.M. by Mayor Lewis.

The minutes of the previous meeting were read and approved as read.

Mr. Wallace reported that the report on the water system should be ready by next week.

Mr. Wallace also reported that the paint had not been purchased for the Village Hall, but that the mop, mopbucket, and push broom had been purchased from Valley Camp Stores.

Mr. Craft reported that practically all garbage bills are paid to date.

The possibility of a Gross Sales Tax was decided to be discussed at a later meeting. Also other means of raising revenue.

There was a discussion about an alley for the east side of Hill Street. This matter was referred to the Committee on Streets, Roads, and Alleys.

The following bills were voted to be paid:

Valley Camp Stores (mop, etc.)	11.52
Mfg. Light & Heat	1.50
Wlsb. Banking and Trust(stamp)	1.20
Garbage	137.00
Parsons Advocate (Warrents etc)	14.48
Monongahela Power	47.88
Burroughs Corp.(adding machine)	90.00

TREASURERS BAL. Oct. 1, 1954 — \$4981.31

Mayor Lewis adjourned the meeting at 8:15 P.M.

Donald Lewis
MAYOR

Charles R. Mumper
RECORDER

November 8, 1954.

The meeting of the Council for the Village of Beech Bottom was called to order at 7:00 P.M. by Mayor Lewis.

The minutes of the previous meeting read and approved as read.

Mr. Wallace reported that the drum of paint for the Village has been purchased, and that we were given five gallons of thinner without charge.

STREET LIGHT FOR HILL STREET. Motion by Custer, seconded by Kadlic.

Mr. Craft reported that the middle of the block on Hill Street was in need of better lighting. On a motion by Custer, Seconded by Kadlic, a light was to be placed on the East side of Hill Street near #436. Motion passed unanimously.

Mr. Craft also reported that the sidewalks on Hill St. were in bad condition.

A letter from Mr. Pryor to the Public Service Commission was read, and the reply from them was also read. These letters are on file in the Recorder's office with other material pertaining to the Water Proposal from the Wheeling Steel Corp.

Mayor Lewis appointed Mr. Campbell chairman of a committee to compile figures on the actual operational cost of the water system, and also on the number of users, and as to wheather they are commercial or individual consumers. Mr. Campbell will also have on his committee Mr. Wallace and Mr. Kadlic.

Letter to Lawrence Hagerman. Motion by Wallace, seconded by Kadlic.

That a letter of thanks be written to Lawrence Hagerman expressing our gratitude for his help in the preparation of our budget and levy estimate for the year 1954 - 1955. Passed unanimously.

The Recorder was to Write a letter to the unemployment bureau regarding Henry Lizon's claim. He is not entitled to it as far as the Village paying it.

Motion by Kadlic, seconded by Wallace that the Village purchase an eight foot stepladder. Passed unanimously.

The matter of the cost of hauling garbage for the Rest home, Wally Camp Stores, and the Confectionery referred to the garbage committee.

The Recorder to write a letter to be posted pretaining to the leaves accumulating on the streets of the Village, and asking the people's help in disposing of them.

Mrs. Don Lewis appeared before Council to ask if some thought would be given to a playground for Hill Street. The matter was discussed, and it was decided that Council would see what action the Recreation Hall Board would take on the matter.

The following bills were voted to be paid:

Manfg. Light & Heat	1.50
Bernie DiEgidio (Garbage)	139.00
Extra Insurance for Marshall	27.25

(bills continued)
 Charles Pape (Paint)
 Monongahela Power

20.00
 47.88

TREASURERS REPORT

Oct. 1st	4981.31
Receipts	165.00
	<u>5146.31</u>
Disbursements	323.58
Bal. Nov. 1st	<u>4822.73</u>

Mayor Lewis adjourned the meeting at 9:40 P.M.

Donald J. Lewis
 MAYOR

Charles R. Mumper
 RECORDER

DECEMBER 7, 1954.

The meeting of the Council for the Village of Beech Bottom was called to order at 7:05 P.M. by Mayor Lewis.

The regular order of business was dispensed with.

The ordinance "TO LEVY AND COLLECT AN ANNUAL TAX FOR THE PRIVILEGE OF ENGAGING IN OR CARRYING ON A BUSINESS OR OCCUPATION WITHIN THE CITY OF BEECH BOTTOM." was read for the first time.

There was a general discussion about the water situation, and it was decided that Council could not begin to set any proposed rate until it was definitely determined how many users the water system supplied.

Mr. Pryor reported that Mr. Klieves the lawyer representing Wheeling Steel Corporation, had requested a meeting of Mr. Pryor, Mr. Wallace, and himself Wednesday Dec. 8, 1954. Mr. Pryor and Mr. Wallace to report on this meeting at the next Council meeting.

Mayor Lewis adjourned the meeting at 9:48 P.M.

Donald J. Lewis
 MAYOR

Charles R. Mumper
 RECORDER

December 13, 1954.

The meeting of the Council for the Village of Beech Bottom was called to order at 7:00 P.M. by Mayor Lewis.

The minutes of the two previous meetings were read and approved as read.

The following ordinance was unanimously accepted. Motion by Mr. Wallace, seconded by Mr. Campbell.

#7 AN ORDINANCE ^{#7} TO LEVY AND COLLECT AN ANNUAL TAX FOR THE PRIVILEGE OF ENGAGING IN OR CARRYING ON A BUSINESS OR OCCUPATION WITHIN THE CITY OF BEECH BOTTOM.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEECH BOTTOM:

Section 1. (Object and Purpose) It is the object and purpose of this ordinance to exercise the privileges granted by House Bill No.1, West Virginia Legislature, First Extraordinary Session 1947, passed June 23, 1947, and pursuant to its provisions to levy and collect an annual privilege tax upon any business or occupation carried on within the City of Beech Bottom taxable under Article 13, Chapter 11, Official Code of West Virginia 1931 as amended.

Section 2. (Definition) As used in this Ordinance unless the context otherwise requires:

(a) "Person" means any individual, firm, Company, Co-partnership, joint adventure, association, corporation, trust or any other group or combination acting as a unit.

(b) "Tax payer" means any person liable for the tax imposed by this Ordinance.

(c) "Sales" includes the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(d) "Gross Income" Means the gross receipts of the taxpayer received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property (real or personal), or service, or both, and all receipts by reason of the investment of the capital of the business engaged in including interest, discount, rentals, royalties, fees or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest or discount paid or any other expenses whatsoever.

(e) "Tax Year" means either the calendar year or the taxpayer's fiscal year when the taxpayer has secured permission from the State Tax Commissioner to use the same as his tax period in lieu of the calendar year.

(f) "Business" as used in this Ordinance, shall include all activities engaged in or caused to be engaged in with the object of gain or economic benefit either direct or indirect. The product of raw materials of manufactured products, which are used or consumed in the main business, shall be deemed business engaged in and shall be taxable in the class in which it falls.

(g) "Gross Proceeds of Sales" means the value actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind. The words "Gross Income and "Gross Proceeds of Sales" shall not be construed to include cash discounts allowed and taken on sales; the proceeds of the sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article, accepted as part payment on any new article sold, if the full sale price of the new article is included in the "Gross Income" or "Gross Proceeds Of Sales".

(h) "Service business or calling" shall include all non-professional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the product or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(i) "Wholesaler" means person conducting a regularly organized jobbing or wholesale business, known to the trade as such and selling to retailers or to other wholesalers, in wholesale quantities and at wholesale prices.

Section 3 (Imposition of Tax) There is hereby levied and shall be collected an annual privilege tax upon every person who is engaged in or who is carrying on within the City of Beech Bottom any business, service business or calling or other activity taxable under Article 13, Chapter 11 of the Official Code of West Virginia 1931 as amended.

Section 4 (Person Subject to Tax) The following persons shall be subject to said tax:

(a) Persons engaged or continuing in the business of producing any material resource products.

(b) Persons engaging or continuing in the business of manufacturing, compounding or preparing for sale, profit, or commercial use either direct or through the activity of others in whole or in part any article, substance or commodity;

(c) Persons engaging in the business of selling any tangible property whatsoever, real or personal, including the sale of goods and the service incident thereto in hotels, restaurants, cafeterias, confectionaries and other business eating places, except sales by any person engaging in the business of horticulture, agriculture or grazing or of selling stocks, bonds, or other evidences of indebtedness.

(d) Persons engaged in the business of public service or as a public utility except railroad, railroad car, express, pipe line, telephone and telegram, water carrier by steamboat or steamship companies, Motor vehicle carriers, municipally owned water plants and municipally owned electrical plants producing or purchasing electricity and distributing same;

(e) Persons engaged in the business of contracting;

(f) Persons engaging in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park,

dance hall, skating rink, race track, radio broadcasting station or any other place at which amusements are offered to the public.

(g) Persons engaging in any service business not otherwise specifically taxed under the provisions of said Article 13, Chapter 11 Official code of West Virginia 1931 as amended;

(h) Corporations or Associations engaging in the business of collecting incomes from the use of real or personal property or any interest therein, whether by lease, conveyance or otherwise and whether the return be in the form of rentals, royalties, face interest or otherwise.

Section 5. (Persons in Subject To Tax) This ordinance shall not apply to:

(a) Insurance Companies which with the State of West Virginia shall tax upon premiums: Provided, however, that the said exemption shall not extend to that part of the gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices in this state, whether such income be in the form of rentals or royalties.

(b) Persons engaged in the business of banking: Provided, however, that said exemption shall not extend to that part of the gross income of such persons which is received for the use of real property owned, other than the banking house or building in which the business of the bank is transacted, whether such income be in the form of rentals or royalties;

(c) Non-Profit cemetery companies organized and operated for the exclusive benefit of their members;;

(d) Societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit.

(e) Corporations, Associations and societies organized and operated exclusively for religious or charitable purposes: Provided, However, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of Article 4, Chapter 19 of the Code of West Virginia, 1931 as amended.

(f) Building and loan associations and federal savings and loan associations.

(g) Persons engaged in conducting the business of industrial loans under authority granted them by Article 7, Chapter 31, of the West Virginia Code, 1931; Provided, however, that said exemption shall not extend to that part of the gross income of such persons which is received from the use of real property owned, other than the business house or building in which the business of the industrial loan company is transacted, whether such income be in the form of rentals or royalties.

Section 6. (Return of Tax) Persons subject to tax under this ordinance shall pay to the City of Beech Bottom Twenty (20%) per Cent of the total amount of the privilege tax (Base rate and surtax) less exemptions due from and payable by said person to the State of West Virginia under the provisions of Article 13, Chapter 11, Official code of West Virginia 1931, as amended, by reason of business or other activities of such taxpayer carried on within the City of Beech Bottom from and after the first day of January 1955.

Section 7. (Payment of tax) The tax imposed by this ordinance shall be paid in quarterly installments on or before the thirty days after the end of the calendar quarter in which it accrues. The taxpayer, within such thirty day period after the end of each such quarter, shall make out an estimate of the tax for which he is liable for such quarter, verify the same by oath, and make return thereof together with a remittance of the tax due thereon to the City Collector and Treasurer of the City of Beech Bottom. The said City Collector and Treasurer, as he determines it necessary to insure payment of the tax, may require return and payment under this section for ~~the fourth calendar quarter may be consolidated~~ other quarter year periods. The return and payment due under this section for the fourth calendar quarter may be consolidated with the return and payment required under Section 8 of this Ordinance. The said City Collector and Treasurer, subject to the approval of the Council, shall prescribe the forms and estimates required by this section.

Section 8 (Return and Remittance by taxpayer) on or before thirty days after the end of tax year, each person subject to tax under this ordinance shall make a return showing the total amount of the privilege tax (base rate and surtax, less exemptions) due from and payable by said person to the State of West Virginia for said tax year under the provisions of Article 13, Chapter 11, Official code of West Virginia 1931 as amended, by reason of business or other activities of such taxpayer carried on within the City of Beech Bottom, and shall compute thereon the amount of tax for which he is liable under this ordinance and shall transmit with such return to the Village Collector and Treasurer of the Village of Beech Bottom a Remittance payable to the Village of Beech Bottom; such return shall be verified by oath of the taxpayer, if made by an individual, or corporation; if made on behalf of a partnership, joint adventure, association, firm, trust or any other group or combination acting as a unit, shall make the oath on behalf of the taxpayer and if for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. Remittance of the tax imposed by this ordinance shall be either in cash or by bank draft, certified check, cashier's check or money order. The City Collector and Treasurer shall issue his receipts to the taxpayer.

Section 9. (Failure to make return) If any person fails or refuses to make a return, either in whole or in part, or if the council of the Village of Beech Bottom has reasonable grounds to believe that any return made is so deficient as not to form the basis of a satisfactory assessment of the tax, it may proceed as it determines best to obtain information upon which to base the assessment of the tax. Council may make examination of the books, records and papers, and audit the accounts of any such person, and may take the evidence, on oath, of any person who, in its opinion, shall be in possession of any relevant information in as soon as possible after procuring such information as it may be able to obtain as to any person failing or refusing to make a return, Council shall proceed to assess the tax and shall notify the person assessed of the amount of such assessment. Such assessment of the tax by council shall be final as to any person who has refused to make a return.

Section 10 (Tax cumulative) the tax imposed by this ordinance shall be in addition to all other licenses and taxes levied by Ordinance as a condition precedent to engaging in any business, trade or calling. A Person exercising the privilege taxable under this Ordinance, subject to the payment of all licenses and charges which are Conditions precedent to exercising the privilege taxed, may exercise the privilege for the current tax year upon the condition that he shall pay the tax accruing under this ordinance.

Section 11 (Lien of tax due and unpaid; Penalties) A tax due and unpaid under this Ordinance shall be a debt to the Village of Beech Bottom. It shall be a personal obligation of the taxpayer and shall be a lien upon the property used in the business or occupation upon which such tax is imposed provided no such tax lien shall be enforceable against the purchaser (including a lien creditor) for valuable consideration without notice, unless designated in the office of the Clerk of the County Court of Brooke County, West Virginia, Before a Deed therefore to such purchaser is delivered for record to the Clerk of the County Court, a penalty of 5% of the tax shall be added for any default for thirty days or less and for each succeeding thirty days elapsing before payment, there shall be an additional penalty of 1%, all of which penalty shall be secured by the lien herein provided.

Section 12 (Collection by Suite; Payment by Receiver) The Village of Beech Bottom may collect taxes due and unpaid under this Ordinance, Collect all accrued penalties, by action in assumpsit, motion for judgment, or other appropriate proceedings in the Circuit Court of Brooke County to Obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all taxes and penalties due under this ordinance. In any proceeding under this section upon judgment or decree for the Plaintiff, it shall be awarded its costs.

In event a business subject to the tax imposed by this ordinance shall be operated in connection with a receivership or insolvency proceeding, the Court under whose direction such business is operating, shall, by the entry of open Order in the cause, make provision for regular payment of such taxes as the same becomes due.

Section 13 (Lien of Tax Upon Property or person selling or quitting Business) The tax imposed by this ordinance shall be a lien upon the property of any person subject to the provisions hereof who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make the return provided for under the terms and provisions of this Ordinance within thirty days after the date he sold out his business or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the money to cover the amount of such taxes due and unpaid until such time as the former owner shall produce a receipt from the Village of Beech Bottom showing that the taxes have been paid. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, and the taxes shall be due and unpaid after the thirty day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Section 14 (Collect by Distraint; Other remedies; Report of Collection) The Village of Beech Bottom may distraint upon any goods, chattels or intangibles represented by negotiable evidences of indebtedness, or any taxpayer delinquent under this Ordinance for the amount of all taxes and penalties accrued and unpaid hereunder. The Village of Beech Bottom may require the assistance of the Sheriff of any County

of the State in levying such distress in the County of which such Sheriff is an officer. A Sheriff so collected taxes due hereunder shall be entitled to compensation in the amount of the tax due, but in no case shall such compensation exceed \$25.00. All taxes and penalties so collected shall be reported within thirty days after collection to the Council of the Village of Beech Bottom, who shall prescribe by general regulation the manner of remittance of such funds and of allowing the collecting officer the compensation due him under this section. The Lien created by this Ordinance on real estate may be enforced by suit in equity.

Section 15 (Offenses, Penalties) It shall be unlawful for any person to refuse to make the return provided to be made under the terms and provisions of this ordinance; or to make any false or fraudulent return or false statement in any return, with intent to defraud the City of Beech Bottom or to evade the payment of the tax, or any part thereof, imposed by this Ordinance; or for any person to aid or abet another in any amount to evade the payment of the tax or any part thereof, imposed by this Ordinance; or for an officer of any corporation to make or permit to be made for any corporation or association any false return, or any false statement in any return required in this Ordinance, with the intent to evade the payment of any tax hereunder. And any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than one Hundred (\$100.00) Dollars or imprisoned not exceeding thirty days in the County Jail or punished by both fine and imprisonment, at the discretion of the Court, within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent return, or any return containing any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of false swearing, and on conviction thereof, shall be punished in the manner provided by law. Any corporation for which a false return, or return containing a false statement, as aforesaid, shall be made, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred (\$100.00) Dollars. The Circuit and Criminal Courts of the County in which the offender resides, or, if a corporation, in which it carried on business, shall have concurrent jurisdiction to enforce this section.

Section 16 (Equitable and Uniform Rules) In any instance either the rules promulgated by the State Tax Commissioner under Article 13, Chapter 11, of the Official Code of West Virginia 1931 as amended, for determining a value on which privilege taxes shall be levied are found to be inequitable or unfair for the purpose of ascertaining the tax due under the Ordinance, the Council of the City of Beech Bottom shall prescribe equitable and uniform rules for ascertaining such value.

Section 17 (Effective date) This Ordinance shall be in effect from and after the first day of January 1955.

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Mr. Craft

Mr. Craft reported that the people of Hill St. Appreciated Mrs. Donald Lewis' interest in getting a playground for their children.

Mr. Craft also reported that the new street light for the

area near #436 Hill St. has not yet been installed.

The Garbage Committee Reported that Mr. DiEgedio is going to help them establish the commercial rates for the various commercial establishments.

The Water Committee reported that their findings in the survey of the number of consumers in Beech Bottom, was 159 units. On a motion by Custer, seconded by Craft, Council voted unanimously to accept the report subject to change.

Mayor Lewis appointed Mr. Kadlic as a permanent member of the Water Committee.

Mr. Craft reported a hole on Hill St. approximately half way down the block. Mr. Wallace to Investigate.

Mr. Craft complained about the teachers parking on Fourth St. during slippery weather.

Mr. Clyde Jack reported that he had talked to Mr. Doubleday about repairing the sidewalks on the upper side of Hill St. , But that he had received no definite answer as to what would or would not be done until Mr. Doubleday had talked to the Officials of Wheeling Steel.

Mayor Lewis suggested setting a rate for such jobs as digging ditch for water lines, etc., in the maintaining the water system, the purpose of this being that if an emergency arose, we would have such matters settled, and would be able to act immediately. On a motion by Custer seconded by Craft, the water committee is to meet and set such rates subject to approval of Council. (Passed unanimously.)

Motion By Mumper, Seconded by Craft that the Street Committee investigate the possibility of buying a used State Road Commission truck for the Village. Motion passed with one dissenting vote by Custer.

Mayor Lewis suggested that Council think about a building on the back of the city lot on Third St. in which to have a workshop and possibly a garage. This matter to be considered for future reference.

Mayor Lewis is to investigate the reason for the 25MPH signs in the Village being taken down.

TREASURERS REPORT

Nov. 1st. \$4822.73
Paid out in Nov. 255.63
Balance Dec. 1st. \$4706.25

Motion that all bills be paid for Nov. (Passed Unanimously.)

Mr. Wallace Donated to the Village of Beech Bottom two lots that were identified as lot #22 and lot #155. Mr. Custer made a motion that the Council accept these lots, the motion was seconded by Craft. Motion Passed Unanimously.

Mayor Lewis adjourned the Meeting at 9:37 P.M.

Charles R. Mumper
RECORDER

Donald Lewis
MAYOR