

**2001**

**CITY COUNCIL MEETING AGENDA**

**City Hall**

**January 9, 2001**

**7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

**Recommend appointment of Teresa Adams as Recorder/Treasurer**

- **NEW BUSINESS:**

**Approve ordinance #2.01-01 for fiscal year 2001**

- **OLD BUSINESS:**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

**Town of Beaver, Arkansas  
Council Meeting  
January 9, 2001**

Council members of the Incorporated Town of Beaver met January 9, 2001 for the regular monthly meeting. The meeting had been postponed one week due to weather. Marvin Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Ames, Shoffit, Torgerson, and Lester. Quorum was present.

Mayor Higginbottom swore in all the present council members. On motion by Alderman Torgerson to appoint Teresa Adams as the Recorder/Treasurer, seconded by Alderman Shoffit, motion carried. Adams was then sworn in by the mayor.

***New Business:***

On motion by Alderman Shoffit to accept ordinance #2.01-01 for fiscal year 2001, seconded by Alderman Lester, motion carried.

***Park Committee:***

B.J. Baldridge, Park Chairman, reported that new brochures would need to be made for the park. Alderman Lester reported that the corner of the shed for the park attendant was falling in.

***Street Committee:***

No report

***Zoning and Planning Committee:***

John Ratliff reported that the committee now had five members. He also reported that the home being built on Feathercreek that was thought to not have a vent space, actually did have one. It was filled in with a concrete foundation.

Motion to adjourn by Alderman Shoffit, seconded by Alderman Lester, motion carried.

Respectfully Submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**TOWN OF BEAVER  
CITY COUNCIL MEETING AGENDA  
City Hall  
February 6, 2001  
7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS**

**Discuss taking bids on park trash pickup**

**Discuss spring cleanup**

**Discuss applying for a grant to extend walking bridge**

**Discuss the problem with overweight vehicles on the bridge**

- **OLD BUSINESS**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

**Town of Beaver, Arkansas  
Council Meeting  
February 6, 2001**

Council members of the Incorporated Town of Beaver met February 6, 2001 for the regular monthly meeting. Marvin Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Ames, Lester, Shoffitt, and Young. Quorum was present.

On motion by Alderman Shoffitt to accept minutes from January 9, 2001, Council Meeting, seconded by Alderman Young, motion carried.

***New Business:***

Park Chairman B.J. Baldrige reported that Bailey 5 was interested in trash pickup at the park. The council agreed that although the current company was working out it would not be a bad idea to get bids. Baldrige said she would also talk to Jerry Kunkel, park attendant, about doing the leaf clean-up as he had expressed an interest in doing so. She also said that the big dumpsters were usually in the park the first two weeks in March.

Mayor Higginbottom suggested getting some lattice work for the baskets that hold the cans for the fire department.

A grant to extend walking bridge over tracks to Holiday Island walking trail and trestles to Butler Creek was discussed. Alderman Lester said that the Game and Fish Commission will provide materials and labor if fish are put in Butler Creek and if there is a handicap access. He said he would contact Kirk Duppes for more information.

Mayor Higginbottom reported that an engineer from Little Rock said that if we do not stop overweight vehicles from going over our bridge it is going to fall. Alderman Lester reported that the bridge crew told him that speeding on the bridge was just as detrimental as overweight vehicles.

***Zoning and Planning Committee:***

No report.

***Old Business:***

Mary Lucy wanted to know the status of the Hennessy's relocating their business. Alderman Shoffitt suggested that the council think about issuing conditional use permits or to change zoning laws. Mayor Higginbottom said he would talk to the Hennessy's.

***Park Committee:***

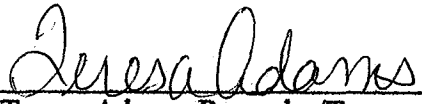
Baldrige reported that the park had made \$80.00 so far this year.

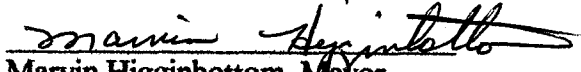
Mayor Higginbottom reported that he had gotten a bid from Munson in Golden about repairing gutter on fire station and was going to get another bid.

Alderman Young reported that Mayor Higginbottom swore him in at his home.

On motion to adjourn by Alderman Young seconded by Alderman Shoffitt, motion carried.

Respectfully Submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

ORDINANCE NUMBER 2.01-01

AN ORDINANCE PROVIDING FOR AND ADOPTING FOR THE TOWN OF BEAVER, ARKANSAS FOR THE TWELVE (12) MONTHS BEGINNING JANUARY 1, 2001, AND ENDING DECEMBER 31, 2001; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN PROVIDED FOR: DECLARING AN EMERGENCY TO EXIST: AND FOR OTHER PURPOSES.

WHEREAS, the Town council has made a comprehensive study and review of the proposed budget, and

WHEREAS, it is the opinion of the Town council that the schedules and exhibits of financial information prepared and received revealing anticipated revenues and expenditures for the calendar year appear to be as accurate as possible for budgetary purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BEAVER, ARKANSAS:

Section 1. This ordinance shall be known as the budget ordinance for the Town of Beaver, Arkansas for the twelve (12) month period beginning January 1, 2001, and ending December 31, 2001, reflecting estimated revenues and expenditures as herein after set forth on the succeeding pages. All revenues herein are estimated and subject to change and appropriations are calculated upon available revenues.

Section 2. The respective amounts of funds for each and every item of expenditure classification herein proposed in the budget for 2001 are hereby approved for the Town of Beaver, Arkansas, and are hereby authorized and appropriated for the purposes herein set forth for the calendar year ending December 31, 2001.

Section 3. Whereas, it is necessary for the efficient operation of Municipal Government that a budget be planned and adopted; Now therefore an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage and approval.

Dated January 9, 2001

Approved Marvin Higginbottom  
Marvin Higginbottom, Mayor

Attest Teresa Adams  
Teresa Adams, Recorder/Treasurer

**Town of Beaver, Arkansas  
Special Council Meeting  
February 14, 2001**

Council members of the Incorporated Town of Beaver met February 14, 2001 for a special meeting to hear appeal from Tara and Daniel McNair concerning interrupted construction on their house by the Zoning and Planning Committee. Marvin Higginbottom called the meeting to order at 5:30 p.m. The following alderman were present:

Alderman Lester, Ames, Torgerson, Shoffit, and Young. Quorum was present.

***New Business:***

On motion by Alderman Lester to appoint William Hill as City Attorney, seconded by Alderman Young, motion carried.


***Zoning and Planning Committee:***

John Ratliff reported that he stopped progress on the McNair's house on February 6, 2001, when a third floor was started. The McNairs claim that the first floor is a basement. Based on ordinances 1.02 and 1.04 no structure taller than two stories can be built. Alderman Torgerson stated that since there had been no formal meeting with the McNairs by the Zoning and Planning Committee and no solution was discussed by the committee, that an appeal should be made in writing to council at next regular meeting. Since all members of the Zoning and Planning Committee were present, they unanimously approved to accept appeal as presented. Mayor Higginbottom called for a recess for the Zoning Committee to suggest a solution to the council.

After a fifteen minute recess Ratliff reported that the committee voted 4-1 in favor of giving the McNairs a variance to the ordinance with an inclusion that the fire department would not be responsible for a three level house. The council decided the inclusion may not be appropriate.

Motion to adjourn by Alderman Young, seconded by Shoffit, motion carried.

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor



**TOWN OF BEAVER  
SPECIAL COUNCIL MEETING AGENDA  
City Hall  
Monday, February 26, 2001**

- **ROLL CALL**
- **NEW BUSINESS**

**Citizen appeal on the decision made by the planning commission to grant a variance from the building code ordinance.**

**Town of Beaver, Arkansas  
Special Council Meeting  
February 26, 2001**

Council members of the Incorporated town of Beaver met February 26, 2001 for a special meeting to hear appeal from Susan Morrison concerning the variance given to Daniel McNair on February 14, 2001. Mayor Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Lester, Young, Torgerson, Ames, and Shoffitt. Quorum was present.

Susan Morrison read letter to council urging them to overrule the variance voted on by the Planning and Zoning Commission concerning 501 Feather Creek Street. She stated that to allow McNair to proceed at this juncture would send message to other builders and developers that could have bad consequences for the community.

Butch Berry of Eureka Springs having served on the Board of Zoning Adjustment for the Planning Commission of Eureka Springs spoke of his experience with variances. According to Berry, issues of variance hardly ever happen "after the fact"-it should be decided when the plans are drawn up. Typically, he said, variances are issued for hardship reasons that have literal interpretation, and height is rarely seen as a hardship. He added that a lot of communities don't allow variances based on height to avoid establishing precedent.

McNair, owner of the property, said that even if he came down the five feet in question, his house would still be in view. He stated that the Beaver ordinance does not define "story". William Hill, city attorney, stated that in fact our ordinance made references to the Southern Building Code which did define what a story was. McNair agreed when questioned by Alderman Young that McNair was only approved to build one and a half stories and built two even before the last special meeting which granted him the variance to do so.

Alderman Torgerson pointed out that the perc test only allows for two bedrooms total after McNair stated that his home could have a bedroom added on and the other house that would be using the same septic system would be a three bedroom. McNair said that on the back of the permit it specified more bedrooms than that, however it was not brought before the council. Also, Alderman Torgerson stated the plan that was given to the council showing the septic system, showed the septic line running through one house before going into another. This goes against Southern Building Code, according to Alderman Torgerson. McNair said that this was the first time he had seen those plans and that he had gone by a rough sketch given to him by a licensed subcontractor. Although McNair stated that the septic system was approved by the county sanitarian, Alderman Torgerson replied that the sanitarian approved the plans that were given him, not what was actually done.

Mayor Higginbottom said he would get the county sanitarian to come and look at the septic system.

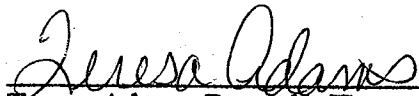
John Ratliff, Chairman of the Zoning and Planning Committee, said that he had told McNair to be sure and get a perc test on the property before purchasing it to be sure he could put a septic on it; according to Ratliff it had been turned down twice. Ratliff also informed the council that the perc test used was from 1984 and the lot belonging to McNair had not actually been perced. He said that he assumed there had been a perc test and had been approved since he saw the sanitarian at the job site when the septic was being put in.


Alderman Lester said he thought the perc test should be presented to the Zoning and Planning Committee with building plans before a permit is granted.

On motion by Alderman Young to overturn the variance given to McNair by the Zoning and Planning Committee February 14, 2001, seconded by Alderman Torgerson, motion carried. Alderman Lester abstained.

On motion to adjourn by Alderman Young, seconded by Alderman Shoffitt, motion carried.

Respectfully Submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

March 6, 2001

Dear Mayor Higgenbottom,

It is with deep regret that I write this letter, as I know it was with deep regret that you vetoed the action of our city council.

I am truly sorry that Mr. McNair has chosen to continue his actions regardless of the clear statement of the wishes of our city council.

I regret that I am unable to bear the burden of litigation against Mr. McNair which seems to be our only recourse. Regrettably I must advise all of you to give yourselves time to completely review such an action before placing the burden of litigation on our town. I understand that Mr. McNair is continuing with his construction at a fast pace, but don't let that sense of urgency move you into what might be an unwise action.

Regardless, let me say how proud I was of you and our city council during our last council meeting. You acted rightly and in good faith for the betterment of our town.

It is unfortunate when a person takes action against what they know is the wish of their community to find ways to accomplish their selfish desires. It is unfortunate that we must now find ways to be on our guard against such actions. But if any lesson is to be learned here it is just that.

Therefore, I hope that we will also carefully review our ordinances and statutes and consider any adjustments that need to be made so that this unfortunate situation does not raise its ugly head again in our little town.

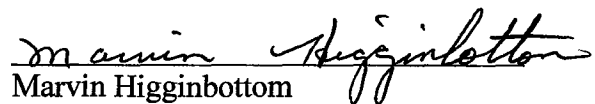
Sincerely,

Susan Morrison Woodward

c. City Council Members  
c. City Attorney

I, Marvin Higginbottom, Mayor of Beaver, Arkansas, an incorporated municipality, veto the action of the City Council taken on Monday, February 26, 2001, in which the City Council overrode the variance previously granted to Daniel McNair to construct a three-story building at 501 Feather Creek Street in Beaver from the city building code's limitation on number of stories contained in its Ordinance 1.02, Section 6 C.3. That subsection provides that no structure will be constructed taller than two (2) stories.

I veto this action because Ordinance 1.02, Section 5.B., which appears to provide appeal to the City Council from actions by the Planning Commission sitting as the Board of Adjustment, apparently violates A.C.A. § 14-56-416(b)(1), in that, "Decisions of the board in respect to the [Board of Adjustment concerning requests for variances] shall be subject to appeal only to a court of record having jurisdiction," in this case, the Circuit Court of Carroll County. Appeals of Board of Adjustment actions on variance requests may be taken to the Circuit Court either by the City or others. A.C.A. § 14-56-425; *City of Paragould v. Leath*, 266 Ark. 390, 583 S.W.2d (1979)

  
Marvin Higginbottom

3 - 5 - 2001  
Date

February 21, 2001

To whom it may concern,

Since I am unable to attend the special council meeting regarding the building dispute on the house at the end of Feather Creek Rd.

I am writing this letter to state my protest against any building private, commercial or otherwise going above the designated two story limit, as written in our 1.02 Zoning and Planning ordinance.

Therefore, I request that my councilperson vote against any variance to this ordinance.

Thank You,

Just a note to let you know that there seems to be some question as to whether the act of the planning commission was within their authority or not so I wrote this letter of appeal so that this issue could indeed be voted upon by the city council on Monday.

That letter is enclosed.

At this time we are still waiting on the sewer information from the health department and word back from the electric department in regard to the power lines.

I have also enclosed

- The plans as agreed upon by John Ratliff and Mr. McNair
- Notes from my phone meeting with Mr. Richard Alexander, the zoning attorney from Fayetteville
- Mr. McNair's letter to the city council
- Photos of the house as of February 17 showing the violation
- The ordinance with the violation highlighted and the other pertinent information highlighted
- Sections of the Southern Building Code with pertinent information highlighted
- A Section of the Eureka Springs zoning and planning code with pertinent information highlighted

I did not enclose the minutes from the council meeting or the planning and zoning board meeting as none of them have been approved.

I did not enclose the variance as issued from the planning and zoning commission board as it is not yet in writing.

I will be out of town until Monday morning. If you have any questions I am afraid they will need to wait until then.

You will also be receiving letters protesting the variance from people who are unable to attend the special meeting.

Mr. Butch Berry an architect from Eureka Springs will be at our meeting to help. He has been on zoning and planning commissions for some thirty years in various parts of the country and is highly qualified to help with any questions that might come up, like "is a loft considered a story?"

Thank you again for your help and cooperation on this issue. If I can be of any further assistance please let me know.

Susan Morrison

Steve Lammert  
P.O. Box 120  
Jamminger, 72730

February 21, 2001

Dear Mayor Higgenbottom,

First let me thank you for your expediency by calling a Council meeting to address the problem concerning the property at 501 Feather Creek Street, in response to my verbal appeal regarding this issue on February 16<sup>th</sup>. I deeply appreciate your fast action concerning this matter.

In agreement with Commission Board Chairman John Ratliff, I do not believe that the planning commission had the authority to issue a variance. According to my reading of the ordinance only the Council has that authority.

In any case, now that you have my written appeal, I urge that the council over rule the variance voted on by the Board of the Planning and Zoning Commission.

I feel there is a great deal at stake here for our community.

It is inappropriate to issue any variance "for no good reason".

It is inappropriate for any person to be rewarded for disregarding our statutes by being awarded a variance after the fact.

It is inappropriate for us to allow structures above two stories to be built in our community especially along our shorelines. It constitutes poor planning on our part to allow such action.

There are other questions that need to be address regarding this property, first, placement of power lines, second the question raised by the fact that two homes are being places on the same sewer system on property where two previous perks for a single dwelling on one sewer system have failed and third the closeness of the structures and requirement of firewalls.

We have lived here in Beaver for over 15 years and have invested a considerable amount of money time and effort to create a property that not only benefits us as a home but benefits our community as a Wildlife Sanctuary, created with the cooperation of the Arkansas Game and Fish Commission, the Corp of Engineers, and the city of Beaver.

This property is affected by this structure that protrudes high above the tree line on what was once a beautiful vista; a vista that we thought was protected by the zoning laws of our community. It is affected by the possible water quality problems from an improper sewage system.

But beyond our personal reservations, I fear that allowing Mr. McNair to proceed at this juncture would send a message to other builders and developers that could have very bad consequences for our community, opening the door for open disregard for our statutes and codes, and forced litigation demanding the same privileges given to Mr. McNair "for no good reason". Trying to deal with such actions could be very costly and time consuming for our city.

Again,  
Thank you for your quick action  
on this issue. It is deeply appreciated.

Susan Morrison Woodward

- c. City Council Members
- c. City Attorney
- c. Chairman of the Board of the Planning and Zoning Commission



Notes from my conversation with Mr. Richard Alexander, the lawyer who is the zoning expert recommended by Lewis Epley:

It is inappropriate to issue any variance "for no good reason".

It is inappropriate for any person to be rewarded for disregarding your statutes by being awarded a variance after the fact.

It is inappropriate for you to allow structures above two stories to be built in your community especially along your shorelines. It constitutes poor planning on your part to allow such action.

Allowing Mr. McNair to proceed at this juncture would send a message to other builders and developers that could have very bad consequences for your community, opening the door for open disregard for your statutes and codes, and greatly increasing the possibility of forced litigation demanding the same privileges given to Mr. McNair "for no good reason". Trying to deal with such actions could be very costly and time consuming for your city.

"No good reason", means, without a real hardship.

*If there are any questions about this, there is an attachment from the Eureka Planning Code regarding this language; if you still have questions Butch Berry, a Eureka Springs architect with thirty years of planning and zoning experience will be at the meeting to help clarify this and answer any other questions you might have. If you feel there is an urgency and wish to contact Butch prior to the meeting I am sure he wouldn't mind.*

August 2000 \_\_\_\_\_ When first contacted..

Had copy of Ord 1.02 & 1.04.

I suggested he get a Pert Test prior to purchase. Gave name and number of Health Dept at Berryville.

Purchased 9-22-2000.

Wanted one septic for both houses. Houses within legal distance.

NOV 1st. Commission met at site. Plans were discussed.  
Plans for larger house approved as presented.  
Plans approved for top 2 stories of 3 story plan.  
Contractor marked out the first story of the 3 story plan. Changed the dimension from 20 X 26 ft to read 26X26 ft.

Sub Contractor did not have a copy of the amended plans as approved. Sub Contractor had to refigure his costs when the Contractor changed his plans to add a third floor.

Second floor should have been 5 ft walls, built w/ 8 ft walls.

Added third floor with 5 ft walls.

Stopped work on house on Feb 6. 01.

Contractor stated first floor is basement. NONE of first floor is wholly or partly below ground level as required.

Overlooked 8 ft wall on second floor.

Southern Building Code refers to residential as 8 ft.walls  
Two floors as 17 fr exterior walls.

Zoning and Planning Commission  
Town of Beaver  
P. O. Box 015  
Beaver, Arkansas 72613

Mr. Daniel McNair  
McNair Properties Construction, LLC  
P. O. Box 821  
Farmington, Arkansas 72730

February 21, 2001

Dear Mr. McNair

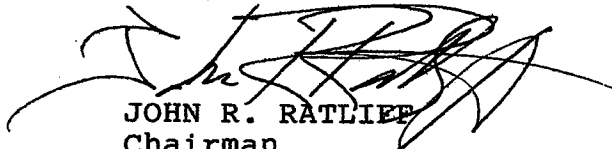
In spite of my warnings you have continued to proceed with construction at 501 Feather Creek Street, Beaver, Arkansas in violation of the City Building Code, Ord 1.02.

The City Council did not take any action on your requested appeal, as outlined in Section 5, paragraph B., Ordinance 1.02, at the special meeting held on the evening of February 14, 2001.

It is my duty, as Chairman of the Zoning and Planning Commission, to order you to cease construction until such time the City Council can render their decision.

If you chose to continue construction you do so at your own risk.

Very truly yours,



JOHN R. RATLIEF  
Chairman  
Zoning and Planning Commission

cc:

Mayor, Beaver  
Each Council Member  
City Attorney  
Each Commissioner

February 12, 2001


Beaver City Council

RE: Daniel McNair

Dear Council Members,

I would like to request to be present at the upcoming meeting to discuss a resolution on the dispute between John Ratlaff and my self concerning what is considered stories, the ordinance states nothing above two stories or taller. But does not define what a story is or state how tall a story is, therefore would one consider a loft a story? Also from the top of the roof pitch to ground floor level is 31 feet would one consider that two stories or taller? I guess what I'm requesting is you drive by and make a unbiased look for your self and determine if were arguing over the stories, the height of the structure or anything at all. I look forward to meeting with you, and hope we get this resolved Wednesday night, my upper floor has weathered through two rains and I'm not sure how many more before showing the effects. I urge you to make the decision or grant the variance Wednesday night, we have stopped construction until after the meeting . . .

Sincerely, (future neighbor)

A handwritten signature in black ink, appearing to read 'Daniel McNair', with a long horizontal line extending to the left.

Daniel McNair

A. No Variance shall be granted by the Board of Zoning Adjustment unless it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Ordinance.

B. In order to be heard by the Board of Zoning Adjustment, notice of pending application for a variance must be published in a newspaper of general circulation in the City of Eureka Springs at least one (1) time seven (7) days prior to the meeting at which the application shall be heard. (Section 7-3, Zoning Ordinance).

C. The publication of the Commission's Agenda pursuant to Article I-13 herein shall constitute the required notice of Section 7-3 of the Zoning Ordinance. Therefore, an application for a variance not timely filed as provided hereinabove may not be heard by the Board of Zoning Adjustment until such time as the notice requirement shall be satisfied.

D. An application for a variance shall be considered incomplete unless it contains all of the following information:

- a. Name, address and telephone number of applicant;
- b. Date of Application;
- c. Name of property owner if other than applicant, and relationship to applicant;
- d. Street address of property in question;
- e. Zoning classification of property in question;
- f. Detailed description of variance requested;
- g. A site plan drawn to scale with 1" representing 10' showing (i) the boundary lines of the property; (ii) the dimensions and locations of all buildings thereon and (iii) exact location and dimensions of proposed structure and /or alterations;
- h. A DETAILED STATEMENT OF THE UNDUE HARDSHIP RESULTING FROM CIRCUMSTANCES UNIQUE TO THE PROPERTY UNDER CONSIDERATION WHICH THE APPLICANT WOULD SUSTAIN WITH A STRICT ENFORCEMENT OF THE ZONING ORDINANCE.

E. While it is not mandatory, it will be helpful to the Commission for the applicant to secure the consent of neighbors, with particular emphasis being given to contiguous property owners. Such consent may be provided in letters to the Commission or by a personal appearance at the meeting at which the variance request is to be considered.

F. Pursuant to Section 2 of the Zoning Ordinance (see definition of Variance) and to the Commission's responsibilities to assure compliance with the provisions of the Zoning Ordinance and to protect adjacent property owners, a building permit covering the structures and/or alterations requested under an application must be secured by the applicant thereof within one (1) year after the date on which the Commission granted the variance. A variance for which a building permit does not issue, within the said one year period will expire.

## **2. APPLICATION FOR REZONING OF PROPERTY:**

A. All Applications for Rezoning of Property shall be submitted in compliance with the requirements set forth in Section 8-4-1 of Title 14 of the Municipal Code of the City of Eureka Springs, Arkansas and in Article I-11 hereinabove.

B. An Application for Rezoning of Property shall be considered incomplete unless it contains all of the following information:

**STAGE.** A space within a building used for entertainment or presentations. Stage areas shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire resistant construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

**STAIRWAY.** One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another in a building or structure.

**STANDPIPE.** An arrangement of piping, valves, hose outlets and allied equipment installed in a building or structure with outlets located in such a manner that water can be discharged through hose and nozzles for the purpose of extinguishing a fire. Standpipes are classified as either one of four classes as follows:

**Class I.** For use by fire departments and those trained in handling heavy fire streams (2 1/2-inch (64 mm) hose).

**Class II.** For use primarily by the building occupants until the arrival of the fire department (1 1/2-inch (38 mm) hose).

**Class III.** For use by either fire departments and those trained in handling heavy hose streams (2 1/2-inch (64 mm) hose) or by the building occupants (1 1/2-inch (38 mm) hose).

**Combined Systems.** One where the water piping serves both 2 1/2-inch (64 mm) outlets for fire department use and outlets for automatic sprinklers.

**STANDPIPE, DRY.** A system designed to have piping contain water only when the system is being used. The following are three types of dry standpipes.

**Automatic.** A standpipe system so arranged through the use of approved devices as to admit water to the system automatically by opening a hose valve.

**Semi-automatic.** A standpipe system arranged to admit water to the system through manual operation of approved remote control devices located at each hose station.

**Manual.** A standpipe system with no permanent water supply connected; such a system is supplied solely through the fire department connection.

**STANDPIPE, WET.** A system having supply valve open and water pressure maintained at all times. The following are types of wet standpipes.

**Automatic.** A standpipe system having supply valve open and water pressure maintained at all times.

**Manual.** A standpipe system connected to a small water supply for maintaining water within the system, but does not have a water supply capable of delivering the system demand, also known as a filled or pre-filled standpipe.

**STONE MASONRY.** Masonry composed of field, quarried, or cast stone units bonded by mortar.

**STONE MASONRY, ASHLAR.** Stone masonry composed of rectangular units having sawed, dressed, or squared bed surfaces and bonded by mortar.

**STONE MASONRY, RUBBLE.** Stone masonry composed of irregular shaped units bonded by mortar.

**STORY.** That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

**STORY DRIFT RATIO.** The story drift divided by the story height.

**STORY SHEAR.** The summation of design lateral forces at levels above the story under consideration.

**STREET.** Any public thoroughfare, street, avenue, boulevard, park or space more than 20 ft (6096 mm) wide which has been dedicated or deeded to the public for public use.

**STREET LINE.** A lot line dividing a lot from a street.

**STRUCTURAL WORK OR ALTERATION.** The installation or assembly of any new structural components, or any change to existing structural components, in a system, building, or structure.

**STRUCTURE.** That which is built or constructed.

**T RATING.** The time period that the penetration firestop system, including the penetrating item, limits the maximum temperature rise to 325 degrees F above its initial temperature through the penetration on the nonfire side, when tested in accordance with ASTM E 814.

**TANK.** A vessel containing more than 60 gallons (227 L).

**TANK, PORTABLE.** Any packaging over 60 U.S. gallons (227 L) capacity and designed primarily to be loaded into or on or temporarily attached to a transport vehicle or ship and equipped with skids, mounting or accessories to facilitate handling of the tank by mechanical means. It does not include any cylinder having less than a 1,000 lb (454 kg) water capacity, cargo tank, tank car tank or trailers carrying cylinders of over 1,000 lbs (454 kg) water capacity.

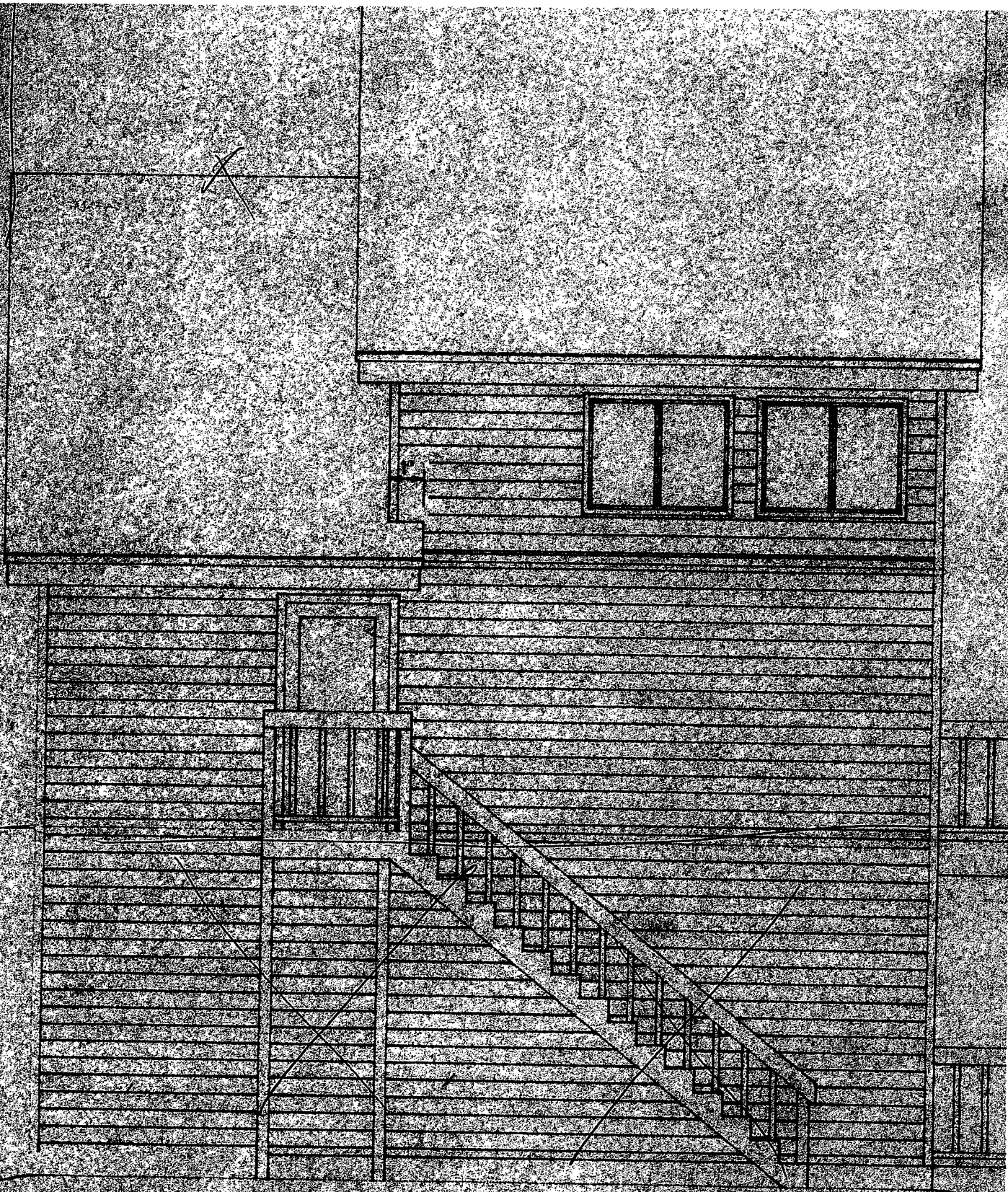
**TANK, STATIONARY.** Any packaging designed primarily for stationary installations not intended for loading, unloading or attachment to a transport vehicle as part of its normal operation in the process of use. It does not include cylinders having less than 1,000 lb (454 kg) water capacity.

**TECHNICALLY INFEASIBLE.** An alteration of a building or a facility that has little likelihood of being accomplished because existing structural conditions would require removing or altering a loadbearing member which is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with

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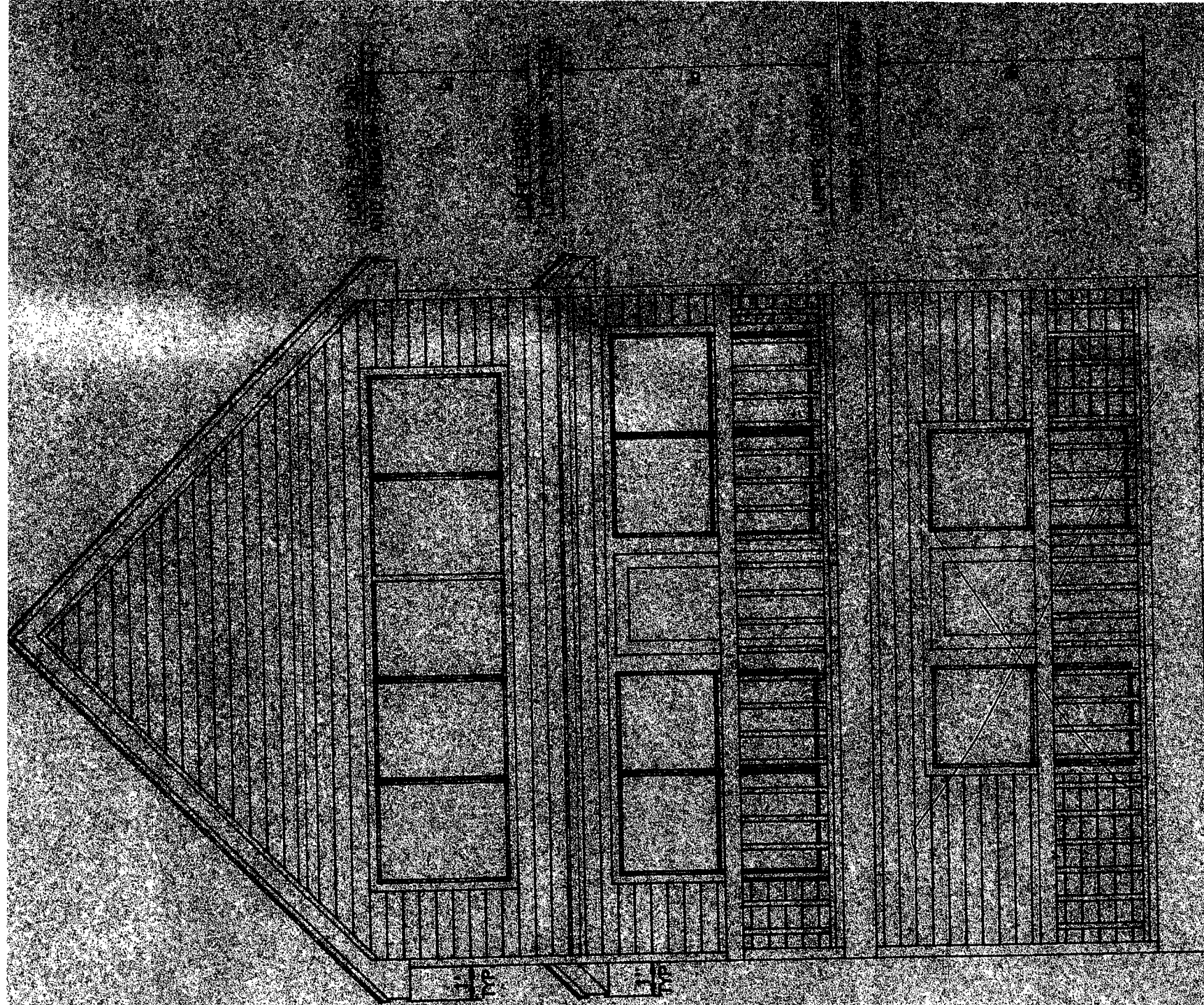
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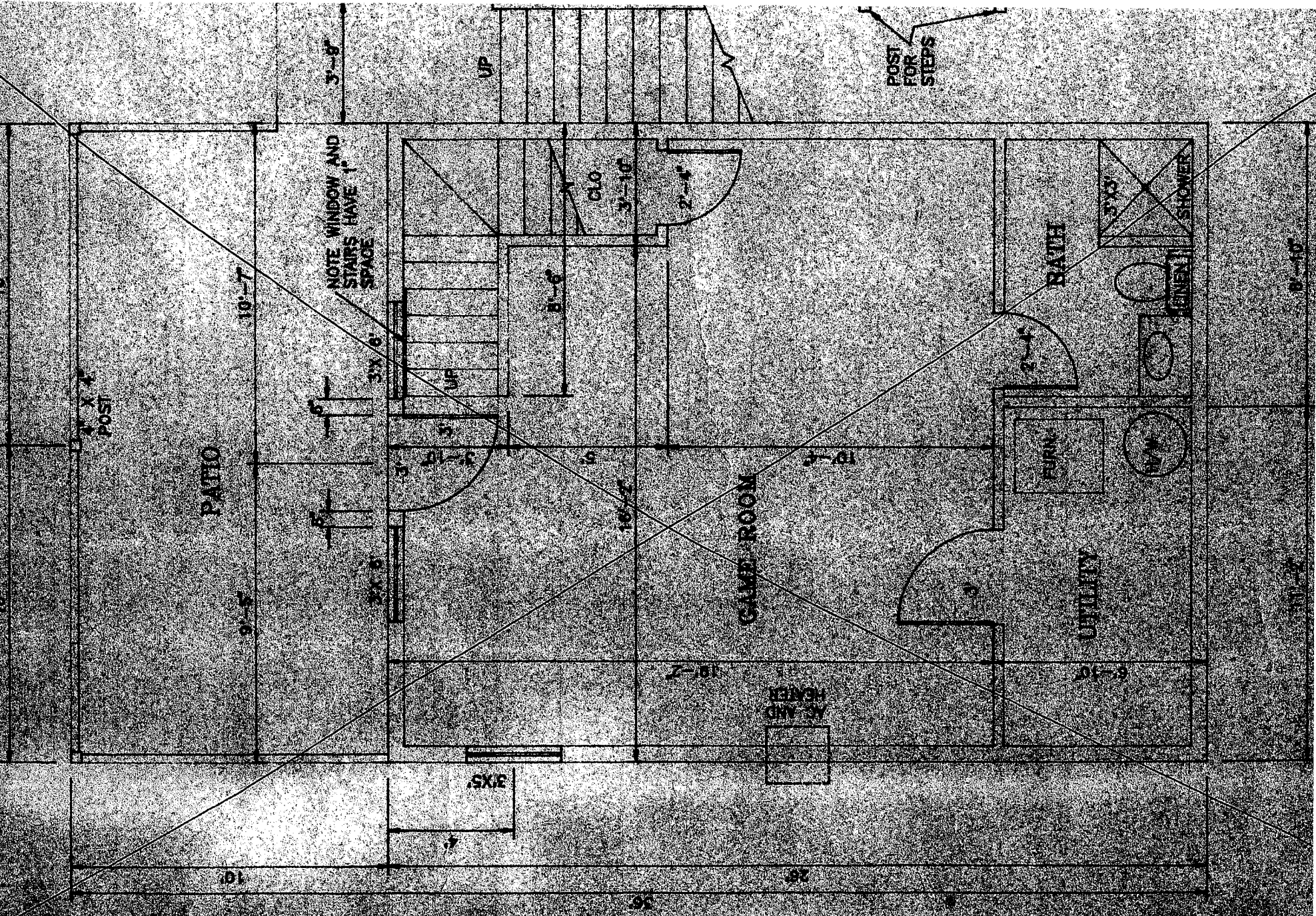
LEFT ELEVATION



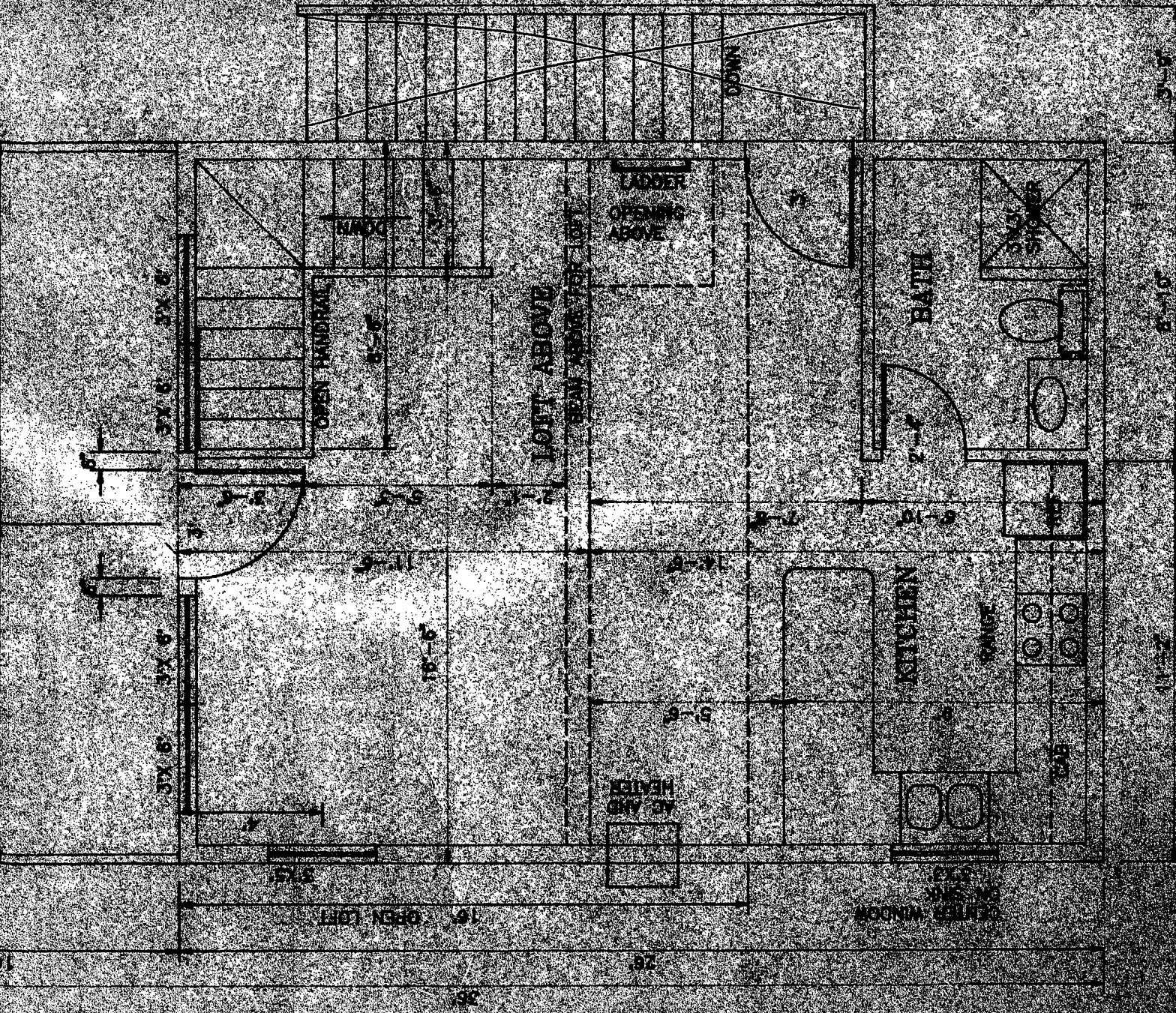


LAKE FRONT ELEVATION









**TOWN OF BEAVER  
CITY COUNCIL MEETING AGENDA**

**City Hall**

**Tuesday, March 6, 2001**

**7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS:**

**Sheriff J.R. Ashlock presenting his plans for Carroll County**

**Discuss developing an overall community plan**

**Discuss an ordinance preventing large towers from being built in community**

- **OLD BUSINESS:**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

**Town of Beaver, Arkansas  
Council Meeting  
March 6, 2001**

Council members of the Incorporated Town of Beaver met March 6, 2001, for the regular monthly meeting. Mayor Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Ames, Torgerson, Lester, Shoffit and Young. Quorum was present.

On motion by Alderman Young to accept minutes from February 6, 2001 Council Meeting, February 14 and February 26, 2001 Special Meetings as amended, seconded by Alderman Shoffit, motion carried.

On motion by Alderman Shoffit to approve financial reports for January and February, 2001, seconded by Alderman Young, motion carried.

***Old Business:***

Mayor Higginbottom read his veto against the council's decision to overturn the variance given to Daniel McNair by the Zoning and Planning Committee February 26, 2001.

Attorney Bill Hill stated that when the Planning Commission sits as a Board of Zoning Adjustment they are not a legislative body but functioning as a court. When an administrative body functions as a court the direct appeal should be to a circuit court. Hill said that the mayor had no alternative but to veto the action taken by the council. According to Hill, in order for the city to overcome the action of the Board of Zoning Adjustment they would have to sue the Planning Commission in circuit court. He suggested using resources on reviewing ordinances and codifying them.

***New Business:***

Sheriff J.R. Ashlock introduced himself. He reported that he has six reserve deputies. He has also started a program called Volunteers In Time Assisting Law Enforcement. He has opened two substations in the county (one is across from the Holiday Island entrance) and has given keys to all law enforcement so that they can use the office as well. There are phones on the outside of all buildings that have a direct line to the sheriff's office. Sheriff Ashlock stated that the officer that has been at the bridge has been effective as a deterrent and he planned on varying times when an officer would be there.

Mayor Higginbottom appointed Alderman Young as Chairperson to look at a community plan and ordinances.

Mayor Higginbottom thanked John Ratliff for his census work.


**March 6, 2001 Council Meeting, page 2 of 2**


***Park Committee:***

Alderman Shoffit said that the dumpster in the park for the Spring Clean-Up was a responsibility of the town and not the park. Mayor Higginbottom said he would call American Disposal to bring dumpster as soon as possible.

On motion to adjourn by Alderman Young, seconded by Alderman Lester, motion carried.

Respectfully submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**CITY COUNCIL MEETING AGENDA**

**City Hall**

**Tuesday, April 3, 2000**

**7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS:**

**Report from Councilman Jim Young on Ordinance Committee Meeting**

**Appoint Zoning and Planning Committee**

- **OLD BUSINESS:**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

- **INPUT FROM THE PUBLIC**



**Town of Beaver, Arkansas  
Council Meeting  
April 3, 2001**

Council members of the Incorporated Town of Beaver met April 3, 2001, for the regular monthly meeting. Mayor Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Ames, Torgerson, Young, Lester, and Shoffit. Quorum was present.

On motion by Alderman Young to accept minutes from March 6, 2001, seconded by Alderman Lester, motion carried.

On motion by Alderman Young to approve financial reports for March, 2001, seconded by Alderman Lester, motion carried.

***New Business:***

Alderman Young reported that the Beaver Ordinance Review Committee had met three times.

Mayor Higginbottom recommended John Ratliff, Jim Young, Debbie Lester, Rudi Sanchez and Susan Morrison to be appointed to the Planning and Zoning Commission. Positions were drawn as follows:

Position 1	Rudi Sanchez	1 year term
Position 2	Debbie Lester	2 year term
Position 3	Jim Young	3 year term
Position 4	John Ratliff	2 year term
Position 5	Susan Morrison	1 year term

On motion by Alderman Lester to accept recommendations, seconded by Alderman Torgerson, motion carried.

Mayor Higginbottom swore in Debbie Lester, Alderman Young, and John Ratliff to the Planning and Zoning Commission.

***Old Business:***

Alderman Torgerson reported on the water project that the preliminary plans have been sent to the funding agency, and we should be hearing something from them before the month is out. He said that bacteria samples would be taken at random from wells in town on April 16, 2001.

***Park Committee:***

B.J. Baldrige suggested that a welder make a gate for the spring house. She also reported

that a replacement for Annie Shoffit was needed and Roger Shoffit was willing to take her position on the Park Committee. There was a discussion on controlling unleashed dogs at the park and Mayor Higginbottom suggested talking to the pet owners. Baldrige also reported that she had found someone to mow the park.

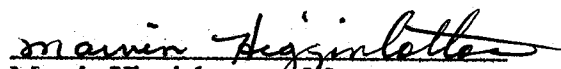
On motion by Alderman Lester to approve \$348.00 to pay for guttering for Fire Department, seconded by Alderman Young, motion carried.

Mary Lucy asked about the property below her. Ratliff reported that all work that was being done there on a contract basis would stop. Mayor Higginbottom said he would talk to Bill Hill about putting a moratorium on any changes to Planning and Zoning ordinances until they have been reviewed by the Beaver Ordinance Review Committee.

On motion by Alderman Young to adjourn, seconded by Alderman Torgerson, motion carried.

Respectfully submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**TOWN OF BEAVER  
CITY COUNCIL MEETING AGENDA  
City Hall  
June 5, 2001  
7:00 p.m.**

- **ROLL CALL**

Approve minutes and Financial Reports

- **NEW BUSINESS**

Overview of updating city ordinances - Bill Hill, City Attorney

Resignation of Annie Shoffit, city councilman

Beaver Bridge Update - Ed Robertson, County Judge

- **OLD BUSINESS**

Discuss proposed city water system loan

- **COMMITTEE REPORTS**

Zoning and Planning

Street Committee

Park Committee

**Town of Beaver, Arkansas  
Council Meeting  
July 10, 2001**

Council members of the Incorporated Town of Beaver met July 10, 2001 for the regular monthly meeting. Marvin Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Ames, Torgerson, and Young. Quorum was present.

On motion by Alderman Young to accept minutes from June 5, 2001, seconded by Alderman Torgerson, motion carried.

On motion by Alderman Young to approve the financial statement, seconded by Alderman Torgerson, motion carried.

***New Business:***

Don Zimmerman, Executive Director of the Arkansas Municipal League was present to discuss codification of the city ordinances and the service that the Municipal League has available that will compile ordinances.

On motion by Alderman Young to contract the Arkansas Municipal League to compile the city ordinances, seconded by Alderman Torgerson, motion carried.

***Old Business:***

Mike Mathis from PMC Engineering discussed the plan for a public water system for Beaver. The preliminary report has been sent to the Water Wastewater Advisory Committee and it has been accepted that there is a viable plan for a water system. Mayor Higginbottom said when he got the figures from the loaning agency he would inform every household about the costs.

***Street Committee:***

No report.


***Park Committee:***

B.J. Baldrige, park chairman, reported that she had a request for a sign on the walking trail to limit hours from 6 a.m. to 10 p.m. Also, the park attendant's cement pad needs to be extended. The park committee needs one more member.

On motion by Alderman Torgerson to appoint Susan Morrison to city council, seconded by Alderman Ames, motion carried.

On motion by Alderman Young to adjourn, seconded by Alderman Ames, motion carried.

Respectfully Submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**Town of Beaver, Arkansas  
Council Meeting  
August 7, 2001**

Council members of the Incorporated Town of Beaver met August 7, 2001 for the regular monthly meeting. Marvin Higginbottom called the meeting to order at 7:00 p.m. The following alderman were present:

Alderman Ames, Morrison, and Young. Quorum was present.

On motion by Alderman Young to accept minutes from July 10, 2001, seconded by Alderman Morrison, motion carried.

On motion by Alderman Young to approve the financial statement, seconded by Alderman Morrison, motion carried.

***New Business:***

Mayor Higginbottom asked for volunteers to paint the fire station. Alderman Morrison suggested a painting party to get the whole community involved. Painting was set for September 15, 2001, at 7 a.m..

The council accepted Alderman Young's resignation from the Zoning and Planning Committee. He will chair the Beaver Ordinance Review Committee. Alderman will chair the Zoning and Planning Committee.

On motion by Alderman Young to transfer funds from appropriate budget to contract the Municipal League services to codify ordinances, seconded by Alderman Morrison, motion carried.

***Old Business:***

Alderman Young updated the council on new city ordinances. Ordinance 1.01 which establishes a Zoning and Planning Commission has been drafted. After its final review it will be given to the council.

On motion by Alderman Young to establish the following as the five public places where ordinances will be posted, seconded by Alderman Ames, motion carried.

1) Post Office, 2) Fire Station/City Hall, 3) Park, 4) Beaver Town Inn, and 5) Walking Trail.

On motion by Alderman Morrison for BORC to draft ordinance to be approved by City Attorney Bill Hill that the ordinances will be posted for the required period of time, seconded by Alderman Young, motion carried.

Hill informed council that three copies of each code Beaver is trying to enforce must be on file in city offices.

***Park Committee:***

Park Chairman, B.J. Baldrige reported that the park revenues had increased each month. There is still a problem with unleashed dogs belonging to Beaver citizens bothering people in the park. Attorney Hill suggested sending a letter with a copy of the leash ordinance certified mail to the offending owners.

On motion by Alderman Young to be authorized to pursue the cost of hiring a planning consultant to study our community map, seconded by Alderman Morrison, motion carried.

On motion by Alderman Young to adjourn, seconded by Alderman Ames, motion carried.

Respectfully submitted by:

\_\_\_\_\_  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**TOWN OF BEAVER  
CITY COUNCIL MEETING AGENDA  
City Hall  
September 11, 2000  
7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS**

**Comments from the public**

**Proposed new ordinance for Zoning and Planning**

**Recommend Tom Sterling be appointed to the Zoning and Planning Commission**

**Recommend Zoning and Planning pay expenses for City Attorney to attend the Municipal League Conference**

**Discuss official letter from the city and a letter writing campaign to the Arkansas Highway Department about the Beaver Bridge**

- **OLD BUSINESS**

**Update on new city ordinances**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

**Town of Beaver, Arkansas  
Council Meeting  
September 11, 2001**

Council members of the Incorporated Town of Beaver met September 11, 2001 for the regular monthly meeting. Marvin Higginbottom called the meeting to order at 7:00 p.m. The following alderman were present:

Alderman Ames, Torgerson, and Lester. Quorum was present.

On motion by Alderman Ames to accept minutes from <sup>August 7</sup> ~~July 10~~, 2001 and financial statements, seconded by Alderman Torgerson, motion carried.

***New Business:***

On motion by Alderman Lester to accept Tom Sterling to the Planning and Zoning Committee, seconded by Alderman Ames, motion carried.

On motion by Alderman Torgerson to pay expenses for City Attorney Bill Hill to attend Municipal League conference, seconded by Alderman Ames, motion carried.

There was a reminder about painting the fire station the following Saturday.

Mary Lucy commented that the name signs were in bad condition on Palisade.

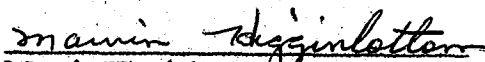
***Park Committee:***

Chairman B.J. Baldridge reported that a vent was needed on the well.

On motion by Alderman Lester to adjourn, seconded by Alderman Ames, motion carried.

Respectfully submitted by:

  
Teresa Adams, Secretary/Treasurer

  
Marvin Higginbottom, Mayor



**TOWN OF BEAVER  
CITY COUNCIL MEETING AGENDA  
City Hall  
October 2, 2001  
7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS**

**Comments from the public**

**Proposed new ordinance for Zoning and Planning – Susan Morrison**

**Discuss official letter from the city and a letter writing campaign to the  
Arkansas Highway Department about the Beaver Bridge – Susan Morrison**

**Arkansas Highway Department meeting on October 18<sup>th</sup> to discuss work on  
the Leatherwood Bridge and the Butler Creek Bridge**

- **OLD BUSINESS**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

**Town of Beaver, Arkansas  
Council Meeting  
October 2, 2001**

Council members of the Incorporated Town of Beaver met October 2, 2001 for the regular monthly meeting. Marvin Higginbottom called the meeting to order at 7:00 p.m. The following alderman were present:

Alderman Ames, Torgerson, Morrison and Lester. Quorum was present.

On motion by Alderman Morrison to accept minutes from September 11, 2001 and financial statements, seconded by Alderman Torgerson, motion carried.


***New Business:***

The council discussed sending an official letter from the city to the Arkansas Highway Department and Arkansas officials about the Beaver Bridge. On motion by Alderman Lester to adopt letter, seconded by Alderman Ames, motion carried. Alderman Torgerson abstained. It was decided that the council members would get the town members to read and sign the letter as well.

On motion by Alderman Lester to adjourn, seconded by Alderman Morrison, motion carried.

Respectfully submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**CITY COUNCIL MEETING AGENDA**

**City Hall**

**November 6, 2001**

**7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS:**

**First reading of new proposed Ordinance 1.01**

- **OLD BUSINESS:**

**Update on proposed city water system**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

- **INPUT FROM THE PUBLIC**

**Town of Beaver, Arkansas  
Council Meeting  
November 6, 2001**

Council members of the Incorporated town of Beaver met November 6, 2001, for the regular monthly meeting. Mayor Higginbottom called the meeting to order at 7:00 p.m. the following alderman were present:

Alderman Ames, Lester, and Morrison. Quorum was present.

On motion by Alderman Morrison to accept Minutes from October 2, 2001, Council Meeting, and financial reports, seconded by Alderman Lester, motion carried.

***Old Business:***

Mayor Higginbottom informed everyone that there would be a Water Commission meeting in Little Rock, Arkansas, on November 29, 2001.

***Park Committee:***

B.J. Baldridge, Park Chairman, informed the Council that there would be some bills for the park for more brochures and forms, and a stop sign for the park entrance. The sign on 23 North needs to be cleaned up and the vent on the well in the park still needs to be fixed. She also reported that the Kunkels would not be returning to the park next year, but have offered to help train the next attendants. One more load of gravel is needed for the play area in the park.

***New Business:***

Alderman Morrison gave the first reading of Beaver Town Ordinance 1.01. There will be two more readings of the ordinance.

On motion to adjourn by Alderman Lester, seconded by Alderman Ames, motion carried.

Respectfully submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor

**Town of Beaver, Arkansas  
Special Council Meeting  
November 29, 2001**

Council members of the Incorporated Town of Beaver met November 29, 2001, for a special meeting to discuss and approve the 2002 Budget. Mayor Higginbottom called the meeting to order at 7:00 p.m. The following alderman were present:

Alderman Ames, Lester, Torgerson, Young and Morrison. Quorum was present.

Mayor Higginbottom reported that he would no longer be able to mow the fire station and that the job would have to be contracted out. Alderman Lester reminded the council of their long-term goal of cementing all the pads in Beaver Park. It was discussed that at the bi-yearly review, if there was a surplus in the park revenues, the park project would be reconsidered. Park Chairman B.J. Baldrige reported that the attendant's area would need to be cemented and roofed.

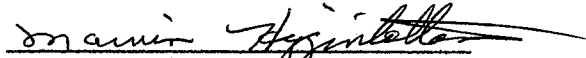
On motion by Alderman Young to approve 2002 Budget as presented, seconded by Alderman Morrison, motion carried.

On motion by Alderman Young to adjourn, seconded by Alderman Morrison, motion carried.

Respectfully submitted by:



Teresa Adams, Recorder/Treasurer



Marvin Higginbottom, Mayor

# **CITY COUNCIL MEETING AGENDA**

**City Hall**

**December 4, 2001**

**7:00 p.m.**

- **ROLL CALL**

**Approve minutes and Financial Reports**

- **NEW BUSINESS:**

**Second reading of new proposed Ordinance 1.01**

- **OLD BUSINESS:**

- **COMMITTEE REPORTS**

**Zoning and Planning**

**Street Committee**

**Park Committee**

- **INPUT FROM THE PUBLIC**

**Town of Beaver, Arkansas  
Council Meeting  
December 4, 2001**

Council members of the Incorporated Town of Beaver met December 4, 2001, for the regular monthly meeting. Mayor Higginbottom called the meeting to order at 7:00 p.m. The following alderman answered roll call:

Alderman Young, Torgerson, Morrison, Lester and Ames.

On motion by Alderman Young to approve minutes from November 6 and November 29, 2001, seconded by Alderman Morrison, motion carried.

***New Business:***

Alderman Morrison gave the second reading of new proposed Ordinance 1.01.

City Attorney Bill Hill suggested to the council to include replacement Ordinance 1.00, "Referendum Petitions" in the city ordinances. The first reading will be at the January 8 regularly scheduled meeting.

Alderman Torgerson reported that we are still waiting to hear from funding agencies about water rates.

On motion by Alderman Young to adjourn, seconded by Alderman Torgerson, motion carried.

Respectfully Submitted by:

  
Teresa Adams, Recorder/Treasurer

  
Marvin Higginbottom, Mayor