

2010

**TOWN OF BEAVER
MINUTES
JANUARY 11, 2010**

THERE WAS NO MEETING IN JANUARY DUE TO INCLEMENT WEATHER

TOWN OF BEAVER
COUNCIL MEETING MINUTES
FEBRUARY 15, 2010

Mayor Mary Hill called the meeting to order at 7:05pm and all present recited the Pledge of Allegiance. The following answered Roll Call: Mayor Hill, Clerk, Cathy Shusta, Members Rick Pennington, Pam Teslow and Debbie Lester. One member absent, Cindy Ratliff. Others present were: Bill Hill, Tommy Taylor, Linus & Media Schockley and Kathryn Lucriello from CCN.

The Minutes were reviewed and Pam Teslow moved and Debbie Lester seconded that the minutes be corrected to reflect that Cathy Shusta resigned as Alderman to assume position of Town Clerk without compensation and the vote was unanimous.

The January 2010 Financial Report was reviewed and Debbie Lester moved, Pam Teslow seconded to accept the report as presented, and the vote was unanimous.

The 2010 Proposed Budget for the Town of Beaver was presented. Pam Teslow moved, Debbie Lester seconded to add under Income, Administrative Fee for Beaver RV Park of \$200 per month, and add under Expense, Mayor Honorarium of \$200 per month, the vote was unanimous. Debbie Lester moved, Pam Teslow seconded to change the following Expense items as follows: \$700 per year for operating supplies, well maintenance \$200 per year, repair and maintenance for Post Office \$500 per year, conference & travel \$200 per year, the vote was unanimous. The Beaver RV Park 2010 proposed operating budget will be presented for approval at the next council meeting.

The Beaver RV Park Campground Managers Linus & Media Schockley were present to report on 2009 operations and requesting to work as Park Managers for 2010 season. Debbie Lester thanked them publicly for their outstanding work in the 2009 season and stated her pleasure in their desire to return for 2010. The Park will open April 1, 2010 and close in September 2010.

Debbie Lester moved, Rick Pennington seconded that the salary for the Park Managers would be \$1200 per month with a bonus to be determined at the end of the season, the vote was unanimous. A new contract to be drawn up by the City Attorney.

A recommendation was presented to lower the camp fees at the park for 2010. Council members were asked by the Mayor to research area park fees and bring their recommendations to the next council meeting.

Debbie Lester moved, Rick Pennington seconded that Linus, Jr & Tina Schockley return as Relief Park Managers for 2010. Payment for their services was deferred until park income for 2009 is available.

The mowing contract was until the next meeting. It was noted that the Town provides mower and gas.

The Park bathrooms were discussed as too expensive to operate. Mayor Hill asked all council members to check other parks in the area for their restroom costs and then the decision about the bathroom would be revisited at the next meeting.

Mayor Hill noted that the swim dock needs to be reset as the ladder faces out into boat traffic. This is a safety issue so she will contact the installation company and have this corrected.

Empire Pump is still expected to install a chlorine pump at the park.

Mayor Hill reported that the final FEMA money was received. The final report will follow.

Debbie Lester moved, Pam Teslow seconded that the Town of Beaver will hold a Spring Clean Up Day on March 13 (with rain date 3/20). A 30 yd. rolloff dumpster will be ordered and available for use for 30 days in the Park at an expense of \$650, and this item will be added as a new line item to the budget, the vote was unanimous. It was noted the Fire Department will no longer burn in the bullpen. Mayor Hill will order the dumpster.

Mayor Hill gave each Council member a persona financial report to fill out and return to the City office as soon as possible.

The next Town of Beaver Council Meeting will be on 3/1/10 at 7pm.

There being no further business, Pam Teslow moved, Rick Pennington seconded and the vote was unanimous and the meeting was adjourned at 8:15pm.

Respectfully submitted,



Cathy Shusta
Clerk

Approved: _____
Mary Hill, Mayor

Last night's meeting

From: **Mary and Bill Hill** (MaryAndBillBeaver@cox.net)

Sent: Tue 3/02/10 9:30 AM

To: Bill Hill (Hotmail) (wahillbeaver@hotmail.com); 'Cathy Shusta' (cruzngam@cox.net); 'Linda A Lombardo' (lal@ipa.net)

TOWN OF BEAVER MINUTES MARCH 1, 2010

The Town of Beaver Council met on March 1, 2010, at 7 p.m. to discuss the R. V. Park, set opening/closing dates and prices. Present for the meeting were Mayor Hill, Rick Pennington, Pam Teslow, Cindy Ratliff, and Debbie Lester. One seat remains vacant and Recorder/Treasurer Cathy Shusta was absent due to illness. Others present were City Attorney Bill Hill and CCN reporter Kate Lucariello.

After much discussion, the following actions were taken:

Toilets: Debbie Lester made a motion, seconded by Cindy Ratliff, to return to the non-flushable toilets. Vote was unanimous.

Showers: Cindy Ratliff made a motion, seconded by Pam Teslow, to close the showers for this season. Vote was unanimous.

Proposed budget: Pam Teslow made a motion, seconded by Debbie Lester, to accept the proposed budget with the following changes: (1)reduce the mowing contract from \$250 per mow to \$175 per mow. The reason given was that the Park provides the equipment and the gas for mowing and trimming. Also, the mowing contract will include the Post Office grounds. Contract will be rewritten to reflect these changes. (2)reduce Septic costs from \$7000 to \$5000. The vote to accept these changes was unanimous.

Print Brochures: A motion was made by Debbie Lester, seconded by Pam Teslow, to print 1000 @ a cost of \$385.00 and 1000 maps @ a cost of \$75.00 for the 2010 season.


Relief Contract: A motion was made by Pam Teslow, seconded by Debbie Lester, to pay the Relief Contractor from Park funds in the amount of \$40 per day for 6 days a month during the months of June, July and August. Relief Contractors will be included in the bonus given at the end of the season. The \$40/day decision was reached by pro-rating the managers salary; i.e., \$1200 divided by 30 days in the month.

Opening/ Closing Dates: The opening date is April 1st and the closing date is October 31st, 2010.

In other business, council asked that we purchase additional "no wake" buoys to be placed at the trestle and the Hwy 187 bridge because of boats speeding through the boat launch area.

The meeting adjourned at 8:30pm. The next meeting will be April 12th, 2010.

Respectfully submitted, for Cathy Shusta


Mary Hill
Mayor

April 12, 2010

Memo To Mayor Mary V. Hill

Re: Efforts to Carry Out the Privy Reconversion for Park Toilets and Showers

At its last meeting, the town council voted to remove the flush toilets and showers, and to reinstall the old privy, "honeypot" system, which requires less frequent pumping.

You contacted Billy Williams, a local plumber who has been helpful at the park, but while he could do the work he did not know of a source for the privy toilet seats. He referred you to a source in Missouri that he knew had uninstalled some privy systems to install what is know as an "advance" septic system. The CoE had also favorably reference the "advance" septic system.

On contacting that company, you learned that it did not have any used privy seats, but it sent down an estimator to evaluate our system for an "advance" septic system. After a short inspection, the estimator stated that we had enough land area, but that such a system would cost some \$70,000. Since that amount is out of the question for the Beaver park, we thanked him for his efforts but declined to proceed any further with the system.

On the day, coincidentally, Kate Lucariello happened by the park and mentioned a local man with an alternative system, Mr. Chuck Wofford. I contacted Mr. Wofford. He offered to supervise installation of his patented system if the town would furnish materials and labor. This seemed worth exploring further as a lower cost alternative that might permit saving the expense of removing the flush toilets and showers. The CoE (Greg Oller, Lake Manager) stated they would have no objection so long as the system met all national, regional and local requirements. On contacting the state health officials (see attached emails), it appears that Mr. Wofford's system has not yet passed certification testing. I am still trying to find out what is required, to see if there may be some room for us to do a "demonstration project" and test his system at the park.

You looked around on the internet trying to find a source for the privy seats, but so far it appears they'll cost around \$900 each, plus demolition and installation expenses.

Bill Hill
Town Attorney

To: Richard Bowen
Subject: Chuck Wofford's Waste Management Patent

Mr. Bowen:

As you may know, Beaver town leases our little RV and Camping Park from the US Army CoE. It is usually lightly occupied, but in our heaviest months, we have pumped as much as 20,000 gallons per month (Aug/Sep) from our holding tanks. Our holding tanks serve our RV dumping station and our toilets' flush toilets and showers (currently closed due to high cost pumping). We are contemplating returning to a privy system and removing the showers, but we are interesting in finding some alternative septic system that would permit us to keep the flush toilets and showers in service simply because they are healthier and safer.

Greg Oller, the CoE lake manager, is sympathetic to Beaver town's problems operating our little park in part because he's had the same difficulties with other smaller CoE parks. It is a common situation to find that the costs of pumping and hauling waste from holding tanks are so high as to render park operation uneconomic.

The alternatives are stark: (1) return to the old privy, "honeypot" system, or (2) find some septic system that could be installed in smaller parks located right on the lake shore.

The CoE has been unwilling to let us install a standard septic system in our little park because its land area is so small and because the land sits so low to the waterline and parts of the park are subject to periodic flooding.

My concern, as the volunteer town attorney, is solely for the town's health and safety.

Could you give us your thoughts about Mr. Wofford's system as an alternative? He has volunteered to supervise installation, and the town has some workers to do the work – which might make this alternative economically affordable for little Beaver town, if it is technically acceptable to the state.

Bill Hill
Town Attorney

Mary and Bill Hill

Subject: FW: Chuck Wofford's Waste Management Patent

From: William A. Hill Jr [mailto:wahillattyatbeaver@cox.net]
Sent: Monday, April 12, 2010 10:16 AM
To: Richard Bowen; sam.dunn@arkansas.gov
Cc: maryandbillbeaver@cox.net
Subject: Chuck Wofford's Waste Management Patent

Mr Bowen and Mr Dunn,

We appreciate you efforts to assist little Beaver town. The town council has already voted to move away from holding tanks for our present flush toilets and showers -- so, unless we can come up with some affordable alternative wastewater treatment soon, we are going backward to restore the previous privy, "honeypot" toilet and eliminate the showers.

My belief is that going back to a privy will be an unsatisfactory public health regression, in the long run.

I am unsure how to answer these questions:

At an average daily flow of around 700 gallons, what about the use of a conventional system or LPD? Is the park well within the 100 radius of the lake?

Our park has a lot of trees, and only a limited land area that is an open, grassy area. Perhaps significantly this open area did not flood during our "100-year flood" two years ago. If 100 FEET is the relevant radius, I would say the answer would depend on where one started to measure, as the lake level varies from day to day. Is an LPD system an LP gas cremating toilet system?

Is there some composting system that might work for us?

Although I know it is an imposition, could one of you come by to evaluate our septic situation with me?

We have council meetings every second Monday of the month. Tonight is the next meeting. Due to FOIA restrictions on "public meetings," these council meetings are the only opportunity to exchange information and take decisions.

My wife, Mary Hill, is the current mayor. You could speak to either of us, if you need more information.

Bill Hill

Town Attorney

479-253-7074 or 479-253-7078

— Original Message —

From: Richard Bowen

To: wahillattyatbeaver@cox.net

Sent: Monday, April 12, 2010 9:02 AM

Subject: FW: Chuck Wofford's Waste Management Patent

Mr. Hill, I forwarded the design to our Onsite Specialist, Sam Dunn, for his opinion. His response is attached below. If you have any questions please feel free to contact me or Sam and we will be happy to assist you in any way. You have my email and Sam's is – sam.dunn@arkansas.gov

Thank you,
Richard

From: Sam Dunn

Sent: Monday, April 12, 2010 8:38 AM

To: Richard Bowen

Subject: RE: Chuck Wofford's Waste Management Patent

This one is easy; Mr. Wofford has been informed by a letter some time ago that the State of Arkansas will not review his process until he received NSF approval. Mr. Wofford has been trying to get his device into Arkansas for a long time and every so often he finds some one who would be interest in this product. I am not saying that the device has no future in the wastewater industry but until he goes through the right testing process he will not receive approval from the agency.

One question; is the park situated on a parcel of land with limited soil? At an average daily flow of around 700 gallons, what about the use of a conventional system or LPD? Is the park well within the 100 radius of the lake? Just wondering if we can help the city out or are they stuck with holding tanks.

If you have any questions about the approval process just give me a call.

Sam

From: Richard Bowen

Sent: Monday, April 12, 2010 8:14 AM

To: Sam Dunn

Subject: FW: Chuck Wofford's Waste Management Patent

Hey Sam, this is a design that a gentleman sent me hoping that they could put it in to serve the parks located on Table Rock Lake at the town of Beaver. I told him that I would forward it to you, the onsite specialist, for your take on it and that we would get back to him.

Thanks,
Richard

From: William A. Hill Jr [<mailto:wahillattyatbeaver@cox.net>]

Sent: Friday, April 09, 2010 9:57 AM

TOWN OF BEAVER
COUNCIL MEETING MINUTES
April 12, 2010

Mayor Mary Hill called the meeting to order at 7:10pm and all present recited the Pledge of Allegiance. The following answered Roll Call: Mayor Hill, Clerk, Cathy Shusta, Members Rick Pennington, Pam Teslow, Debbie Lester and Cindy Ratliff. Others present were: Tommy Taylor, Linus & Media Schockley and Weston Brown.

The Minutes were reviewed and Pam Teslow moved and Debbie Lester seconded that the minutes accepted as presented and the vote was unanimous.

The March 2010 Financial Report was reviewed and Cindy Ratliff moved, Pam Teslow seconded to accept the report as presented, and the vote was unanimous.

Mary Hill distributed a memo (memo attached) she wrote regarding toilet reconversion for the restroom at Beaver RV Park. The memo stated discussion with country representatives regarding requirements. Representatives are willing to attend a Beaver council meeting to speak about options for waste management for the restroom at the park. Mayor Hill will invite Mr. Dunn to a special meeting for further discussion and options.

During this discussion the council decided to open the restroom with toilet use only. The sinks and showers will remain closed. Sanitizers will be made available for use. The portable potty will remain at the boat ramp for fishermen and boaters. Debbie Lester moved that this motion be put in place and Cindy Ratliff seconded, and the vote was unanimous.

Resident free park passes for 2010 are available Friday, April 16, 2010 in the afternoon at the park office.

Resident, Jeff Wilson, as offered to resume being FEMA representative and Building Inspector for Beaver. All members were pleased.

Alderman Pam Teslow resigned from the council (letter attached) as she will no longer be a resident of Arkansas. Debbie Lester moved to accept the resignation, it was seconded by Rick Pennington and the vote was unanimous. Mayor Hill stated that we are sorry to lose her from the council.

Debbie Lester offered to pick up the much needed NO WAKE boyu. Mayor Hill will call the dock installation company again to request the dock be turned around the place the ladder facing into the swim area.

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The next Town of Beaver Council Meeting will be an on-call meeting in May.

There being no further business, Pam Teslow moved, Rick Pennington seconded and the vote was unanimous and the meeting was adjourned at 7:45pm.

Respectfully submitted,

Cathy Shusta
Clerk

Approved: Mary Hill
Mary Hill, Mayor

4-12-10

Town of Beaver -

I respectfully tender my resignation as of
April 17, 2010.

Larry and I are no longer residents of
Arkansas so I can no longer qualify for
an Alderman for the Town of Beaver.

Respectfully

Patrick J. Tesler

Mary and Bill Hill

From: Cathy Shusta [cruzngam@cox.net]
Sent: Wednesday, May 05, 2010 3:18 PM
To: maryandbillbeaver@cox.net
Subject: Special Meeting Minutes to you email as my printer isn't working

TOWN OF BEAVER
SPECIAL COUNCIL MEETING MINUTES
MAY 3, 2010

Mayor Mary Hill called the meeting to order at 7:00pm and all present recited the Pledge of Allegiance. The following answered Roll Call: Mayor Mary Hill, Clerk Cathy Shusta, Members Rick Pennington, Debbie Lester and Cindy Ratliff. Others present were: Bill Hill, Tommy Taylor Kathryn Lucriello from CCN and Sam Dunn from State Department of Health.

Mayor Hill introduced Mr. Sam Dunn who was invited to make a special presentation to the Council regarding a lateral line system for the restroom toilets and showers in the RV Park in order to keep them cost effectively operational for camper use.

Mr. Dunn reported that after inspecting the entire park he is somewhat confident that the area adjacent to sites 28, 31 & 32 would be adequate for the lateral line system. The next step in the process is to have a soil analysis to check into whether the soil will perk properly. He suggested installing both the primary and secondary system at the same time. This would involve four 75' lines that could handle up to 400 gallons per day. Mr. Dunn expressed that this would be the most economical way to proceed.

Once the soil study is approved then the report would be forwarded to the Department of Health and then on to the Corp of Engineers for approval.

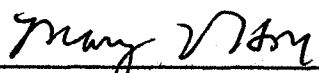
Debbie Lester asked what would happen if we needed to use another site? She mentioned the park bullpen area and the meadow adjacent. Mayor Hill stated that could be looked into as this is a public health issue and a cost cutting matter for the Town of Beaver. Mayor Hill stated that at present the RV Park does not have any funds to pursue this project. She asked for the Council to consider taking funds from the city account to complete this project. After much discussion Debbie Lester motioned to take the first step to test the soil and move on from there with the amount not to exceed \$8000 before returning to Council for further discussion. This was seconded by Cindy Ratliff and the vote was unanimous.

It is hoped that this work can be completed before the Fourth of July holiday, if not it will wait until the end of August.

The meeting was adjourned at 7:50pm.

Respectfully submitted,

Cathy Shusta
Clerk

Approved: 
Mary Hill, Mayor

Mary and Bill Hill

From: William Hill [wahillbeaver@hotmail.com]
Sent: Wednesday, April 28, 2010 1:02 PM
To: Mary Hill

Mary,

Steve, of Steve's Septic, checked his logs for 2009, and found that he pumped 9 2,000-gal loads out of all five tanks at the Beaver Park.

Mar - 3
May - 1
Jun - 2
Sep - 3

This would make Sep the "highest usage" month at 6,000 gallons -- divided by 30, the daily flow rate would be 200 gallons.

Now, not all of that was for the toilets and showers, since he says he doesn't have more precise records available, broken out by holding tank.

He will look for 2008 logs and see if those are wildly different. He said that would take him a few days, and I hope he'll be able to find them to compare figures.

If not, then these numbers may be most precise we'll be able to furnish Mr. Dunn.

Bill

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox.

**TOWN OF BEAVER SPECIAL MEETING
AGENDA
MAY 20, 2010**

CALL TO ORDER

PLEDGE

PARK FINANCIAL DATA FOR APRIL 1 THRU MAY 18, 2010

PARK ACCOUNT BALANCES AS OF 10:00A.M. MAY 20TH

CORNERSTONE BANK CASH DEPOSITS	\$2620.19
COMMUNITY FIRST BANK CC DEPOSITS	3046.83
TOTAL AVAILABLE	\$5667.02

TOTAL RESERVATIONS MAY 20TH THRU SEPT 3RD 35

PRICES AT COMPETING CAMPGROUNDS

**WANDERLUST FULL HOOK UP \$29.84
(OFFERS DISCOUNT FOR GOOD SAM'S AND CHARGE \$27.13)**

**KOA FULL HOOK UP \$29.30 FOR 30 AMP
\$31.00 FOR 50 AMP**

PRICES INCLUDE TAX AT BOTH CAMPGROUNDS

OUR PRICE FOR A FULL HOOKUP IS \$45.00

**RECOMMEND CUTTING PRICES FOR ALL SITES, INCLUDING TENTS.
RECOMMEND FREE DUMPING FOR CAMPERS AND CHARGE \$20.00 FOR NON
CAMPERS**

**REGULAR BILLS INCLUDE: CC ELECTRIC, COX CABLE, STEVE'S SEPTIC, REPAIR
AND MAINTENANCE, LAWN MOWING.**

TOWN OF BEAVER
MINUTES SPECIAL MEETING
MAY 20, 2010

The Town of Beaver Council met on May 20, 2010, at 7 p.m. This special meeting was requested by Alderman Debbie Lester to address perceived Park manager performance issues that have been affecting Park operations.

Present for the meeting were Mayor Hill, Rick Pennington, Cindy Ratliff, and Debbie Lester. Two seats remain vacant and Recorder/Treasurer Cathy Shusta was out of town.. Others present were City Attorney Bill Hill, Tommy Taylor and Park Managers Media and Linus Shockley.

After discussion of prices at area campgrounds, the following actions were taken:

Cindy Ratliff motioned, seconded by Debbie Lester, to change the price of full hook ups from \$45.00 per night to \$25.00 per night. Vote was unanimous.

Debbie Lester motioned, seconded by Rick Pennington, to change the dump station fee from \$20.00 to no charge for campers and \$20.00 for non-campers. Vote was unanimous.

Debbie Lester motioned, seconded by Cindy Ratliff, to change the current fee for tent camping from \$15.00 with additional tents at \$10.00 to \$10.00 for the first tent and \$2.00 each per additional adult and not limiting the number of tents per site. Vote was unanimous.

Debbie Lester motioned, seconded by Rick Pennington, to change the fee for 30 amp sites with water and electricity only from \$25.00 per night to \$20.00 per night and 50 amp water and electric sites fees will be \$25.00 per night. Vote was unanimous.

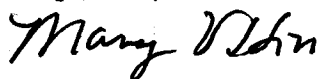
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In other Park business, with Linus and Media Shockley present and responding throughout, the Council raised and discussed termination of the Shockley's park management "at will" contract due to various issues pertaining to its growing dissatisfaction with the Shockley's performance of duties under their contract with the Town, including Media Shockley's inability to be present onsite as required by the contract due to her full-time job as a CNA at Brighton Ridge Nursing Home and Council's concerns that this was degrading the Shockley's ability to perform all contract functions in a full and timely manner with only one person onsite during most of the workday, especially with seasonally heightened Park attendance looming; various performance issues including cleanliness and safety in Park grounds and facilities, Park manager contractor attention to detail, initiative and responsiveness in performing all contract duties; and attitude and customer relations matters apparently rooted in the Shockley family's deteriorating and strained personal relationships affecting management of the Park, in the light of the recent resignation of their children from the Park mowing contract and questions concerning their children's ability and willingness to perform as relief contractors; as well as the greater expenses incurred by the Park with the Shockley's occupying two RV campsites rather than the one site

provided by contract due to their inability to live together. In response, the Shockley's stated that Media Shockley would not give up her full-time offsite job, acknowledged their personal intra-family relationships were strained by their disagreements as did their family members' other employments, but stated they would try to furnish someone else to be onsite to perform Media Shockley's share of the functions under the contract, and agreed that the town would have difficulty replacing them at this late date in the Park season. The Council noted that the Park manager contract was non-assignable, and that it required two full-time Park attendants to be present onsite, working cooperatively, to be safely and effectively performed, especially during the busy season approaching, and that the contract was terminable "at will" by either party with notice for cause or without cause. After discussion, the Council reached a consensus view that it would revisit the matter of termination of the Shockleys' park manager contract at another special meeting to be called on June 17, 2010. Debbie Lester so moved, seconded by Rick Pennington, vote was unanimous.

The meeting adjourned at 8:30pm. The next meeting will be June 17, 2010.

Respectfully submitted



Mary V. Hill, Mayor

Approved

Rick Pennington
Council Member

TOWN OF BEAVER
AGENDA FOR
JULY 12, 2010

Call to Order

Pledge of Allegiance

Roll Call

Opening Comments: Thank you to B. J. Crough, Chris and Debbie Lester , Pam Teslow and Penny Sullivan

Swear in two new members: Annie Shoffit and Jay Baldrige

Review of Minutes for the May meeting (There was no meeting in June)

Review of Financial Statements for May and June

Old Business: Post. Office is offering \$10, 000 reward to anyone with information leading to the arrest of the people who burglarized the Beaver Post Office.

New Business: Filing date for the General Election to be held on Nov 2nd, is August 4-24th. Filing is done at the Berryville clerks' office and there is a small fee.

Other business from the floor

Adjourn.

Next meeting will be the August ~~9~~, 2010

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**TOWN OF BEAVER
MINUTES SPECIAL MEETING
MAY 20, 2010**

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Present for the meeting were Mayor Hill, Rick Pennington, Cindy Ratliff, and Debbie Lester. Two seats remain vacant and Recorder/Treasurer Cathy Shusta was out of town.. Others present were City Attorney Bill Hill, Tommy Taylor and Park Managers Media and Linus Shockley.

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The meeting adjourned at 8:30pm. The next meeting will be June 17, 2010.

Respectfully submitted



Mary V. Hill, Mayor

Approved

Rick Pennington
Council Member

TOWN OF BEAVER
AGENDA FOR
AUGUST 16, 2010

Call to Order

Pledge of Allegiance

Roll Call

Opening Comments: Thank you card from the Ratliffs

Review of Minutes for the July meeting

Review of Financial Statements for July

Old Business:

Update on Speed bumps

Update on sealing park pavement

Update on removal of debris from Park Bull Pen

Update on septic field

New Business

Forms for election and list of town residents

Response to Audit

Comments from the floor.

Adjourn.

Next meeting will be the September 13, 2010

TOWN OF BEAVER
MINUTES
July 12, 2010

The Town of Beaver Council met on July 12, 2010, at 7 p.m.

Present for the meeting were Mayor Hill, Rick Pennington, Cindy Ratliff, and Debbie Lester. Two seats remain vacant and Recorder/Treasurer Cathy Shusta was out of town.. Others present were City Attorney Bill Hill, Tommy Taylor, Penny Sullivan, Kathryn Lucariello, CCN, Jay Baldrige, and Anne Shoffit.

Mayor Hill opened the meeting by presenting Jay Baldrige and Anne Shoffit to fill the two vacant seats. Debbie Lester made a motion, seconded by Cindy Ratliff, to accept them as Aldermen. Vote to accept was unanimous. Mayor Hill then swore in the new aldermen.

Debbie Lester motioned, seconded by Cindy Ratliff, to accept the minutes of the May meeting. Vote was unanimous.

Anne Shoffit motioned seconded by Rick Pennington to accept the Financial Statements after correcting the negative number reflected for the interest deposit. Vote to accept was unanimous.

Bill Hill reported on the progress for improving the Park Septic system. Basically, the Corps refuses to allow a system below the 936 foot level. All of the Park is below that level. Resident Penny Sullivan offered the use of her property for a septic field and a date was set for meeting with Sam Dunn for an inspection.

Penny Sullivan commented about the speeding that occurs on Squire Beaver Road and asked that the Town look into having the AHD install speed bumps.

Tommy Taylor commented that the pavement in the Park needs to be resealed and asked that the Town look into obtaining bids.

The meeting adjourned at 8:30pm. The next meeting will be ~~Sept 13~~ ^{Aug 16} June 17, 2010.

Respectfully submitted

Approved


Mary V. Hill, Mayor

**TOWN OF BEAVER
AGENDA FOR
SEPTEMBER 13, 2010**

Call to Order

Pledge of Allegiance

Roll Call

Opening Comments:

Review of Minutes for the August 16th, meeting

Review of Financial Statements for August

Old Business:

Letter from AHD on traffic survey

Bid on sealing park pavement

New Business

Resignation letter from Recorder/Treasurer Cathy Shusta

Farewell party for the Teslows , Friday October 1st. Details to be determined

Received refund from PO Insurer for break-in damage

Comments from the floor.

Adjourn.

Next meeting will be the October 11, 2010

**TOWN OF BEAVER
MINUTES
August 16, 2010**

The Town of Beaver Council met on August 16, 2010, at 7 p.m.

Present for the meeting were Mayor Hill and Aldermen Rick Pennington, Cindy Ratliff, Jay Baldrige, Anne Shoffitt and Debbie Lester. Recorder/Treasurer Cathy Shusta was out of town.. Others present were Town Attorney Bill Hill, Tommy Taylor, and Kathryn Lucariello, CCN.

Mayor Hill opened the meeting by reading Cindy Ratliff's resignation letter to the Council, with regret. Cindy has purchased a home in Eureka Springs and is no longer a resident of Beaver. Debbie Lester moved, seconded by Jay Baldrige, to accept her resignation. The Vote was unanimous.

Anne Shoffitt moved, seconded by Debbie Lester, to accept the minutes of the June meeting with corrections. Vote was unanimous.

Debbie Lester moved, seconded by Anne Shoffitt, to accept the Financial Statements after correcting the "refund" on the Balance Sheet. Vote to accept was unanimous.

Bill Hill reported on the change to the webpage. The new web address is www.beavertownarkansas.com. The new email address is park@beavertownarkansas.com and the town email is town@beavertownarkansas.com.

Anne Shoffitt moved, seconded by Debbie Lester, to authorize Chris Lester and other former Park Committee members to look at a 2003 Polaris Ranger 500 to replace the park's aging golf cart. Vote to accept was unanimous.

Jay Baldrige moved, seconded by Debbie Lester, to approve Anne Shoffitt as a co-signer of checks for the Town and the Park. Vote to accept was unanimous.

The meeting adjourned at 8:30pm. The next meeting will be September 13, 2010.

Respectfully submitted

Approved


Mary V. Hill, Mayor



ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

DISTRICT NINE

U. S. 65 SOUTH • P. O. BOX 610 • HARRISON, ARKANSAS 72602-0610 • TELEPHONE (870) 743-2100 • FAX (870) 743-4630
BAXTER - BENTON - BOONE - CARROLL - MADISON - MARION - NEWTON - SEARCY

August 23, 2010

Mayor Mary Hill
City of Beaver
P.O. Box 15
Beaver, AR 72613

Dear Mayor Hill:

In response to your request for a review of the speed limit on Highway 187 at Beaver, in Carroll County, our Maintenance division has reviewed your request and the following has been determined.

An on-site investigation at the subject location along with a radar speed check was conducted. The radar speed check resulted in the 85th percentile speed to be 37 mph and the posted speed limit is 25 mph through this section. The Manual on Uniform Traffic Control Devices states that the posted speed should be within 5 mph of the 85th percentile speed. Based on these findings, we do not recommend any changes in the speed limit at this time.

As to the availability/feasibility of speed bumps, it is not the department's policy to install these devices on state highways at this time.

If you have any additional questions in regard to this matter, please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ralph Fulton', is written over a horizontal line.

Ralph Fulton
District Engineer

56-

RTF/JLW:jld

c: Maintenance Division
AMS
File

August 30, 2010

Dear Mayor Hill,

I find it necessary to resign my position of Clerk for the Town of Beaver upon this notice. This resignation is due to personal reasons.

It has been an honor to serve Beaver for the past three years as a fill-in for others that had to resign for personal reasons also.

I look forward to seeing you all when I return in the fall.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Shusta".

Cathy Shusta

2010 Park Operations Discussion Topics:

1. Given the apparent operating loss for 2010 to date, what changes could we make to reduce the operating shortfall?

2. Does the Council wish to change over to the "honey pot" toilet in park?

3. Does the Council wish to allow the park attendants to stay over the winter in the park?

A. If so, under what conditions?

1. Electricity

2. Water

3. Sanitary

4. Does the Council wish to close the park earlier than planned this year?

TOWN OF BEAVER
AGENDA FOR
OCTOBER 11, 2010

Call to Order

Pledge of Allegiance

Roll Call

Opening Comments:

5 min

Review of Minutes for the September meeting

Review of Financial Statements for September

Old Business:

Phone call from AHD on signage

Phone call from Sheriff Grudek on speeding

New Business Town:

Received invoice from PO Insurer for temporary doors

Voting Day, November 2, 2010

Clean up Day for Town?

Float in Eureka Springs Christmas Parade?

Tree City

New Business Park:

Invoice for Far North Fibreglass toilet seats for Park

New Computer for Park

Old Business Park:

Still looking for vehicle that will do it all

Comments from the floor.

Adjourn.

Next meeting will be the November 8, 2010

TOWN OF BEAVER
MINUTES
September 13, 2010

The Town of Beaver Council met on September 13, 2010, at 7 p.m.

Present for the meeting were Mayor Hill and Aldermen Jay Baldrige, Anne Shoffitt and Debbie Lester. The following were absent, Rick Pennington due to illness and Recorder/Treasurer Cathy Shusta who is out of town.. One seat remains vacant/ Others present were Town Attorney Bill Hill.

Mayor Hill opened the meeting without comments.

Debbie Lester moved, seconded by Anne Shoffitt, to accept the minutes of the August meeting as written. Vote was unanimous.

Annie Shoffitt moved, seconded by Debbie Lester to accept the Financial Statements as presented. Vote to accept was unanimous.

Mayor Hill presented the letter from the AHD declining to install speed bumps and stating that no other changes would be made to Highway 187. She also presented Cathy Shusta's letter of resignation as Recorder/Treasurer. Both letters were accepted without comment.

The Bid for sealing the RV Park and PO paving was tabled.

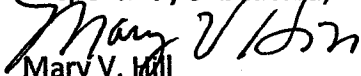
Jay Baldrige moved, seconded by Anne Shoffitt, to remove the flush toilets and install "honey pots" because of the cost of pumping. Vote to approve was unanimous.

Debbie Lester moved, seconded by Anne Shoffitt, to allow the current Park Managers to remain "on site" during the winter months in exchange for working 15-20 hours per week maintaining the Park and to monitor "dry camping" (meaning no services). Vote to approve was unanimous. Managers will supervised by the Park Committee chaired by Chris Lester.

In other comments, Jay Baldrige asked if the Council would support a Christmas Party for the community to be held sometime in December. Council agreed and date will be set later.

Anne Shoffitt moved, seconded by Debbie Lester, to adjourn the meeting at 8:05 pm. Vote to adjourn was unanimous.

Respectfully submitted,


Mary V. Hill
Mayor

Annex of Beaver

9-30-2010

water bill for October and future will be paid by Josh and Misty Gerstoff. They will be staying in the home until Cornerstone Bk takes it or it is sold.

Our new address is: 17825 Jasmine Dr
Park Rapids MN 56470

cell phone is the same: 479-244-5967

Penny Sullivan has offered and I have given her my Free City file - so she will be in touch for info needed for the December report.

Thank you all

Janet Talbot

TOWN OF BEAVER, ARKANSAS
TOWN ATTORNEY

P.O. BOX 97, 1006 THOMAS LANE, BEAVER, AR 72613-0097
PHONE: (501) 253-7074 • FAX: (888) 300-7734
EMAIL: WAHILLATTYATBEAVER@COX.NET

Mayor
Mary V. Hill
Recorder/Treasurer
Cathy Shusta

August 27, 2010



Memo for Beaver Town Council

Re: Elected v. Appointed Officials– Is There Any Difference in Constitutional “Holdover” Status?

Issue: Whether municipal officials must petition and qualify for election to continue in their positions, or will they be treated as “holdovers” expected to continue to serve in their positions?

Issue: Whether there is a difference in "holdover" status between those officials appointed to "elective office" as opposed to those elected to those positions.

Conclusions:

The holdover provision of Art. 19 § 5 of the Arkansas Constitution applies to all officers appointed to fill an elective position, regardless whether they are elected or appointed to their positions, unless or until some successor files, qualifies, and is elected and sworn in to fill their position.

The previous Carroll county clerk, Shirley Doss, gave us consistent advice over the years that those town officials occupying uncontested positions need not get their names placed on the ballot for upcoming general elections, and that such incumbents could simply continue to serve in those positions until there occurred a contested position requiring an election.

Municipal League advice was consonant with Ms. Doss's advice over the years:

A person serves in his or her elected position until another individual is duly qualified and elected. Article 19, Section 5, Arkansas Constitution, states: **“All officers shall continue in office after the expiration of their official terms until their successors are elected and qualified.”** This means that **if no one is elected to the position**, or there is some problem with the person starting his or her term of office, i.e., he or she is disqualified before taking office, **then the incumbent remains in office until his or her successor is**

elected and qualified. Justice v. Campbell, 241 Ark. 802, 410 S.W. 2d 601 (1967); Op. Atty. Gen. Nos. 89-013, 94-303, 95-401, 96-011.

2001 Municipal League summary.

Appointed officials are treated similarly, because the holdover provision of Art. 19 § 5 of the Arkansas Constitution applies to officers appointed to fill an "elective position." See *McCraw v. Pate*, 254 Ark. 357, 373, 494 S.W.2d 94, 103 (1973); Ark. Op. Atty Gen. No. 2006-217 (Dec. 21, 2006).

The offices of Mayor and Alderman are "elective offices" (an attribute of the position, not a reference to how the incumbents came to fill those positions), regardless whether they are actually elected or appointed to those positions.

Of course, the town council has full authority to fill vacancies in "elective offices" by appointment, after majority vote. A.C.A. § 14-45-103. "Vacancies":

The town council shall have power to fill vacancies which may occur in elective offices of the town or on the council from qualified electors of the town, who shall hold their appointments until the next biennial election and until their successors are elected and qualified.

Thus, the key thing is that an officer who holds an "elective office" continues to hold that office until a successor is "elected and qualified." Therefore – whether elected or appointed – a town officer in an "elective office" continues to occupy his/her office until either s/he resigns, is removed for cause, or has an elected successor sworn in to take his/her place. See *Looper v. Thrash*, 334 Ark. 212, 972 S.W.2d 250 (1998):

The period of holding over in such cases is as much a part of the officer's term of office as the regular period fixed by law. 67 C.J.S., Officers, § 48c; *McQuillin, Municipal Corporations*, (3rd Ed.) § 12.110. 222 Ark. at 964-65, 264 S.W. at 423.

I trust this information will be useful. Should you have any questions, please feel free to contact me.

Sincerely,



William A Hill
Beaver Town Attorney

F

THE TOWN OF BEAVER
Office of the Mayor

P.O. Box 15, Beaver, AR 72613-0015
email: town@beavertownarkansas.com

Mayor
Mary V. Hill

Recorder/Treasurer
Vacant



September 25, 2010

Carroll County Sheriff's Office
2005 hailey Road
Berryville, AR 72616

Dear Sheriff Grudek,

Little Beaver town really, really does need some kind of speed control device. Speeding has been confirmed both by Sheriff's deputies and also by the Arkansas Highway Department -- and we've got people unable to stop at the bottom of Squire Beaver Road by the store, sliding off the road and careening down the slopes toward Table Rock Lake a few feet away, right through the tent camping area. It's only a matter of time before someone is seriously hurt or drowned!

The most recent hit and run accident occurred in Beaver, AR, on Saturday, September 18, 2010. This accident was not reported because no one was hurt and the property damage seemed slight. These photos were taken the next day around noon and clearly show the sliding tire tracks and the grassy area damage as the driver fled the scene. By the time the pictures were taken, the Park Manager, shown in the photos, had already replaced the street sign post and the wooden post. The cost to replace the street sign is \$50 and the Informational signs are also \$50.

Mr. Tim Lane, owner of the Beaver store and B&B, and our park managers state that they saw a small white car miss the curve and crash through the signs, spin around tearing up the grass and then take off. The car following behind the first car also missed the curve but managed to stop before running off the pavement. Mr. Lane states that this is the fourth time that this has happened since he moved here approximately 18 months ago.

I have spoken to both of you, written letters, asking that we get this problem addressed before someone is killed. Will it take such a death or serious injury? It is true that speed bumps themselves may create road hazards, but there are "rumble strip" noise-maker alternatives to alert drivers to the dangers of speeding, especially if they are unfamiliar with the terrain. What we suggest are, at a minimum, two series of "rumble strips" the first near the Beaver cemetery and the second near the Beaver post office. These would be low-maintenance, low-hazard warnings for speeders who top the blind hill and suddenly see the lake yawning in front of them. . . .

Please -- let's get this problem addressed effectively, NOW, before it's too late!

Sincerely,



Mary V. Hill
Mayor

cy: Mr. Ralph Fulton, District Engineer
Arkansas Highway Department
P.O. Box 610
Harrison, AR 72602-0610





Peachtree Business Products


1-800-241-4623

Order Summary

Order Number: W2277218
Order Date: 9/22/2010
Account Number: 1041189040
Payment: Visa
Shipment: UPS Ground
Total: \$50.00

Billing Address

MARY V HILL
TOWN OF BEAVER
1006 THOMAS LN P O BOX 97
BEAVER, AR 726130097

Item	Description	Quantity	Price
	Street Sign Kit for Round Sign Posts - 24" W Green Sign	1	\$50.00

F

TOWN OF BEAVER
MINUTES
October 11, 2010

The Town of Beaver Council met on October 11, 2010, at 7 p.m.

Present for the meeting were Mayor Hill and Aldermen Jay Baldrige, Ann Shoffitt, Debbie Lester and Rick Pennington. The Recorder/Treasurer seat and one alderman seat remains vacant Others present were Town Attorney Bill Hill, Tommy Taylor, BJ Baldrige and Norma Baldrige.

Mayor Hill opened the meeting by stating that we have a flood of houses on the market in Beaver.

Ann Shoffitt moved, seconded by Debbie Lester, to accept the minutes of the September meeting as written. Vote was unanimous.

Annie Shoffitt moved, seconded by Jay Baldrige to accept the Financial Statements as presented. Vote to accept was unanimous. In other actions, Council discussed the feasibility of moving \$15,000 from the General Fund to a CD when the current CD matures in February. Council will vote on the issue in January. Council also asked that the Park financial report reflect the balance in the Community 1st Bank account to reflect a more accurate net income. The Town Attorney, Bill Hill, confirmed that limited use of Town funds was a permissible use of town general funds to subsidize the Park to address specific public health concerns that could not be achieved with park resources alone

Mayor Hill presented the letter to the AHD that was written in response to the latest speeder running off the road at the curve and destroying the street sign and turf. The AHD has responded and new signage will be going up in the next few days. Also, Sheriff Grudek responded that he would have the local deputy patrol on a regular basis to try to restrain speeding in town.

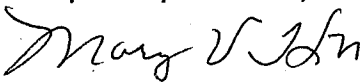
The Bid for sealing the RV Park and PO paving was tabled at the last meeting and the Mayor is contacting another company for a bid.

The fibreglass toilet seats have been ordered at a cost of \$1031.13 and will be installed by the Park Manager and Chris Lester.

In other business, Council approved Penny Sullivan as the new Tree City representative for the Town; established November 6th as Clean Up Beaver Day; and agreed to participate in the Eureka Springs Christmas Parade.

Debbie Lester moved to adjourn, seconded by Ann Shoffitt and vote was unanimous.

Respectfully submitted,


Mary V. Hill
Mayor

Approved Nov 8

TOWN OF BEAVER
MINUTES
November 8, 2010

The Town Council met in regular session on Monday, Nov 8th, 2010, at 7 p.m. Present were: Mary Hill, Mayor, and Council Members: Rick Pennington, Ann Shoffitt and Jay Baldrige. Debbie Lester was ill and one seat remains vacant. Others present were Kathryn Lucariello of CCN, and Bill Hill, Town Attorney.

The Minutes of the October meeting were approved as written. Jay Baldrige made the motion to accept and Ann Shoffitt seconded. The vote to accept was unanimous.

Ann Shoffitt moved, seconded by Jay Baldrige, to accept the Treasures Report as presented. Vote to accept was unanimous.

Ann Shoffitt moved, seconded by Jay Baldrige, to take part in the Eureka Springs Christmas Parade on December 3rd at 6pm and authorized the Mayor to purchase supplies for the float. Vote to do so was unanimous.


Rick Pennington moved, seconded by Ann Shoffitt, for Town Attorney Hill to research the Town Ordinances and write a letter to property owners not in compliance with Town Ordinances relating to "unsightly property that needs to be cleaned up". Vote was unanimous.

Mayor Hill reported that 11 people participated in the Town Clean up. The river front and Park were cleaned up as well as the Community Center. Two truck loads of trash were removed.

There will be no meeting in December due to the busy holiday season. The next meeting will be January 10, at 7p.m.

There being no further business, Jay Baldrige motioned, seconded by Ann Shoffitt, to adjourn. Vote was unanimous.

Respectfully submitted,


Mary V. Hill
Mayor

Approved Feb 7 2011

Mayor wants to spruce up Beaver

Wednesday, November 10, 2010
Kathryn Lucariello

BEAVER -- The town of Beaver has once again raised the issue of compliance with its ordinances.

At Monday's council meeting, Mayor Mary Hill said several people were out of compliance with ordinances passed several years ago.

She said there are two trailers (i.e., mobile homes) in town that violate the zoning ordinance. The homes were placed on their lots prior to the new ordinances being written and were "grandfathered" in, with the provision they be removed should the owners no longer live there.

In one case, the trailer was occupied while a house was being built, and that was okay according to the ordinance, but the trailer was to be removed after the owner moved into the new residence.

Hill also said that a single-family residence is housing more than one family, in violation of zoning restrictions.

"We don't know any facts," said the mayor's husband, Bill Hill, attorney for the town. He added he is not sure the ordinance specifies the trailers have to be removed and is not sure whether it can be enforced. He suggested doing some research.

Mayor Hill also said there is an unsightly property that needs to be cleaned up.

"The town can clean it up and put a lien on the property," she said.

Attorney Hill suggested council might want to direct him to research the ordinance and write a letter to the property owners in question.

"We're inviting compliance," he said. "As a council you might want to say you're concerned about the state of compliance."

Mayor Hill said she brought up the issue because Beaver is "a pretty town," but the first thing people see driving in from Rogers is "trashy trailers."

Council approved having Attorney Hill research the ordinance and draft letters.

Mayor Hill reported 11 people came to the Beaver cleanup day at the community center and RV park. Flowerbeds were worked on at the park, and two bags of trash were removed from the community center.

In other business, council:

* Approved taking part in the Christmas parade in Eureka Springs and for the mayor to purchase materials.

* Approved the financial reports.

The council will not meet in December. The next meeting is scheduled for Jan. 9, 2011, at 7 p.m. at the Beaver Community Center.

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Story URL: <http://www.lovelycitizen.com/story/1679789.html>

November 11, 2010

MEMORANDUM FOR BEAVER TOWN COUNCIL

Re: Town's Power to Remediate Public Health Hazards in Dilapidated, Unsafe Lots

At your last meeting on November 8, 2010 you instructed me to research the matter of the Town's ability to clean up, repair or remove conditions causing public health hazards in dilapidated structures or unsafe lots.

In summary, the Town – acting through its Zoning and Planning Commission – does have the power remediate such hazards, after due notice to the landowner(s) and recognizing that there are practical and legal limits to that power.

(See Code Chapter 5.04 at p. 26)

Code §5.04.01 at p. 26, "Unightly or unsanitary conditions," permits the town, acting through the Zoning and Planning Commission, to issue a written notice ordering the owner of real property to cut grass or weeds; to remove garbage, rubbish, and other unsightly and unsanitary articles upon the property; to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place, or condition; which might become a breeding place for mosquitoes, flies or germs harmful to the health of the community."

If, after notice, the owner does not comply, the town can do what is necessary, pay for the work that must be done, and then assert a lien against the property to try to recover its costs. Code §5.04.04 at p. 27

A privately-owned structure may be repaired at town expense to meet codes (i.e., to fix plainly hazardous conditions), but competitive bidding procedures must be followed. Code §5.04.05 at p. 27

Practical and Legal Considerations. Legally, it should be obvious that by entering on private property to make changes to private property without the landowner's consent, the Town might be sued for trespass – and it might lose such a lawsuit and become liable in damages to the landowner if the Town fails to act in strict compliance with the procedure in the Beaver Code, or makes changes beyond those absolutely necessary to render the premises safe. Practically, the Council should recognize that this power is not license to make changes to private property merely to address esthetic conditions (i.e., to make a neglected property "look better"), but only to address clearly-defined health and safety issues. Also, practically, because of the difficulty and expense of doing these things, using this power should be a last resort to avoid obvious dangers, and the Town should recognize that it might never succeed in recovering its remediation costs.

Respectfully Submitted



William A. Hill
Town Attorney

November 11, 2010

MEMORANDUM FOR BEAVER TOWN COUNCIL

Re: Trailer Houses in Other Than Mobile Home Zones

At your last meeting on November 8, 2010 you instructed me to research the matter of removal of trailer houses located in other than mobile home zones when those trailer homes pre-existed the adoption of the revised Beaver Zoning Code.

Basically, my research shows that the revised zoning code adopted a new approach to nonconforming structures and uses, "grandfathering" them, with some restrictions intended to gradually bring them into compliance with the code. This was done to prevent hardships.

(See Article 5-1 of Zoning Code at p. 108-109 and Art 4-12 at p. 104-105)

The Beaver zoning code and map were adopted by the Beaver town Council on March 1, 2004 after considerable study, attention, debate and revision by the Zoning and Planning Commission, after a public hearing on November 25, 2003. Among the considerations of the Commission were the avoidance of hardship for any citizen, while still providing for orderly growth, observance of building codes, sanitation, health and safety for all.

After much debate, the Commission decided to try to lay to rest some concerns about nonconforming structures, while still providing for their coming gradually into compliance with the zones in which they are located.

To understand the Zoning code, we need to distinguish between nonconforming structures and nonconforming uses. Examples: A nonconforming structure might be a trailer house located in an R-1 zone, while a nonconforming use might be a building used as a duplex in an R-1 zone.

As finally decided by the Commission and adopted by the town Council, nonconforming structures existing at the time of adoption of the Code could be said to be "grandfathered" because those structures "may be continued, maintained, and repaired" under that Article's limits which are designed to gradually bring nonconforming structures and uses within compliance with the zones in which the structures exist.

For example, under Art 5-1A, nonconforming grandfathered structures may not be "added to or enlarged," or moved to another location on the lot, unless approved by the Zoning and Planning Commission.

Under Art 5-1C, nonconforming uses of grandfathered structures which become vacant or unoccupied for a continuous one year period may not be occupied except by a use conforming to the zone in which it is located.

Under Art 5-1D, a nonconforming use, once changed to a conforming use, cannot again be used for a nonconforming use.

Trailer Houses. So, it is true that – for new construction – newly-placed trailer houses in other than the mobile home park zone are only permitted to be used for one year during the construction of a permanent residence conforming to the zone in which it is located, and after a year the temporary trailer house must be removed. However, "grandfathered" trailer houses (those in place on March 1, 2004) can be "continued, maintained, and repaired" and used for purposes that conform to the zone in which they are located.

Respectfully Submitted



William A. Hill
Town Attorney

9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services.
10. Commercial establishment not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.

For all uses not covered in 1 through 10 above, the Zoning and Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

- F. Paved surface required All parking spaces shall be constructed with a gravel, bituminous, asphalt, (sealed surface) or concrete surface and maintained in such a manner that no dust will result from continued use.

CHAPTER V

NON-CONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Art. 5-1

NON-CONFORMING BUILDINGS AND STRUCTURES

A non-conforming building or structure existing at the time of adoption of these regulations may be continued, maintained, and repaired, except as otherwise provided in this section.

- A. Alteration or enlargement of buildings and structures A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements is made to conform to all of the regulations of the district in which it is located or unless approved by the Zoning and Planning Commission. If a building or structure is conforming as to use, but non-conforming as to yards or height, or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located or unless approved by the Zoning and Planning Commission.

- B. Outdoor advertising signs and structures Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform to the provisions hereof, shall not be structurally altered. All such non-conforming advertising signs, billboards, commercial advertising structures, and statuaries, and their supporting members, shall be completely removed from the premises not later than three years from the effective date of these regulations.
- C. Building vacancy A building or structure or portion thereof, which is non-conforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

When a building becomes vacant, it may be used again for any use allowed in the zone in which it is located. The Zoning and Planning Commission shall review the proposed use before the building is occupied in order to determine that the use is allowable in the zone.

- D. Change in use A non-conforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or changed except to a conforming use. If such a non-conforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of these regulations. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restrictive district's classification, but where the use of non-conforming buildings or structures is changed to a use of more restrictive district's classification, it thereafter shall not be changed to a use of a less restricted district's classifications.

Art. 5-2

NON-CONFORMING USES OF LAND

A non-conforming use of land where the aggregate value of all permanent buildings or structures is less than \$1,000, existing at the time of the adoption of these regulations, may be continued for a period of not more than three years therefrom, provided that: