

The Town of
Fountain Lake, Arkansas
7148 Park Avenue
Fountain Lake, Arkansas 71910

Minutes of the 65th Council Meeting
January 11, 2010

The meeting was called to order at 7:00 PM by Mayor Frank Pfenenger. Members present included Kathy Raab, Donna Belote, Jane Tuma and Margaret Bushong, also present were members of the community.

Minutes- The Minutes were read by the individual council members present. Frank called for a motion to approve the minutes and there was no motion or discussion or correction. The minutes were signed by the Mayor and certified by the Clerk/Recorder.

Committee Reports

Budget and Finance Committee – The financial report was read by Margaret. No additional comments from Frank. A motion was made by Donna and seconded by Kathy to accept the financial report and it was approved unanimously.

Road Committee – Kathy reported that all roads have been cleared of both high and low brush, all roads have had ditches cleared of all debris, and the majority of pot holes have been repaired.

Pending road maintenance – Forestwood, JMC, and Hillvale will have road repairs done as soon as weather permits. Culverts need replacing on Bud McKinley and Vaughn, stopped up culverts noted on Stagecoach, Pops, Peterson and Hillvale.

A motion was made by Frank to accept the report and seconded by Kathy. The motion passed.

Activities Committee – no report

Report on volunteers for council seats – Jane reports that Tabitha Miller, Chad Wade, Carl Rader and Jack Fields have volunteered for the Positions.

Old Business

Frank began old business with instruction to the audience that if comments are to be made the person needs to stand and identify themselves. He also suggested that comments be restricted to three or five minutes. A motion was made by Kathy to limit discussion to three minutes per topic per person. The motion received no second and failed. Frank announced that he would identify persons to speak or not as he so deemed. Frank asked if anyone else wanted to apply for the vacant council positions. Donna made a motion to nominate Carl Rader for Position 1. The motion was seconded by Jane. Frank then read the qualification for council members. The motion was approved unanimously. Kathy nominated Tabitha Miller for the second vacant council seat. There was no second. Donna made a motion to

nominate Jack Fields for Position 4. The motion was seconded by Jane and approved unanimously. Frank administered that oath of office to the men, Carl fist and Jack second.

Frank then introduced two officers from the Garland County Sheriff's office. He reported that he visited with the Mayor and Police Chief of Mt. Pine to continue dialogue on obtaining the services of Mt. Pine's police force to serve in the Fountain Lake community. The mayor was to get information on the financial responsibilities of Fountain Lake and the police chief was to attend to take questions from the council. He did not appear. Frank introduced Sgt. Joel Ware of the detective division and Captain Carl Lacy to the council and the audience. He announced that they were at the meeting to answer questions concerning what services were available to the Town by the Sheriff's' office. Captain Lacy said that the department had twenty five officers and twenty two available for patrol. He also allowed that there were vacancies in the department and that manpower was somewhat restricted at this time. He then offered a print out of statistics to sheriff activity from 1994 - 2006. (See attached). While discussing the work load of the detective division of the sheriff's department Sgt. Ware stated that at any time, there is available to the people of Fountain Lake, the Sheriff's department, the State Police and even the Hot Springs Village Police department, if necessary. They can work any part or any jurisdiction in the county. In his opinion there are no issues about responding to calls in the Town proper. He also added that from his standpoint it would be a waste of money to hire Mt. Pine police officers to respond to Town problems since there response time would be longer than response time from a sheriff's deputy. Sgt. Ware said that the complaint that the sheriff would not respond to calls in the Town is not valid.

Several members of the community voiced satisfaction with past responses to calls from the community. Sgt. Ware said that the response to calls is the same whether it is in the Town boundaries or not. Jerry Vaughn introduced the subject of the sheriff enforcing ordinances. Capt. Lacy responded that the sheriff is responsible for enforcing county ordinances but not Town ordinances. He also said that the sheriff could not enforce county ordinances in the Town area. He also recommended that the Town contact our Constable as a possibility for enforcing Town ordinances. This could be done through the constable association. Capt. Lacy also allowed that issues such as unsightly property or dilapidated buildings could be handled through a civil process. Judy Daniels of the sheriff's department is a resource for Neighborhood watch groups. Capt. Lacy said that the department could enforce a county ordinance in the Town if it referred to a state law such as the vicious dog ordinance. Frank said that the Town had the resources of the Municipal League legal department, specifically Mark Hays to assist with legal questions that deal with ordinances and other issues. Sgt. Ware also suggested a community group to inform the community about ways to deal with identity theft and burglaries. Capt. Lacy also suggested the Town hire a marshal to enforce Town ordinances and the sheriffs could enforce everything else.

Frank introduced a discussion of details about dissolving the Town. He had information from the county judge that addresses removing areas from the Town as well as the issue of dissolving the Town. Dissolution would require that the council be inactive for five years. Frank said that the State has made it very difficult to dissolve the Town. Frank was asked what benefit it would be to dissolve the Town. He said that the issue came into play when at the last meeting people complained about the condition of the roads and a motion was made to dissolve the Town. Donna referred to the area of the Town that was added with the last annexation stating the Mr. Vaughn and others have expressed the desire that the area no longer be considered part of the Town. Ivan addressed the fact that Mr. Vaughn requested the area be annexed and money was spent on maps and the process to annex the area. Jerry Vaughn said that many of the people in the area did not request to be in the area and now want out of the Town. Jerry Wright clarified that parts of East and West Sheets are not in the Town but are in a reciprocal agreement with the count for the upkeep of those roads and Goosepond Rd. Rick Qualls clarified that the areas referred to by Jerry Vaughn were annexed at the request of the council. Frank said that the issue of annexing part of a town is addressed in the municipal text and will be referred to the legal department of the Municipal League for future investigation. Frank agrees to pursue the issue and report back to the council.


Frank said that he had be given a letter from Roy Hickman immediately prior to the meeting and apologized that he did not feel that he could properly address the letterer during the meeting.

Tim Jackson's associate said that to asphalt the roads would require much warmer weather for competition.

New Business

2010 Budget - Kathy read her proposed estimate for road maintenance and repair and the total amount was \$200,000.00. Frank asked for a motion that the amount proposed be accepted. Motion died for lack of a second. A motion to accept an ordinance stating the 2010 Budget for the Town reflect the numbers used for the 2009 Budget by Donna and seconded by Jane. Kathy made a motion that the requirement to read the ordinance at three public meetings is waived and it was seconded by Carl. Both motions passed unanimously. Donna requested to be removed from the road committee, Frank appointed Carl to the road committee. Chad Ware requested that he be appointed to the road committee and Frank agreed.

Meeting was adjourned at 8:45 PM


Town Clerk


Mayor