

THE TOWN OF  
FOUNTAIN LAKE, ARKANSAS  
7148 PARK AVE.  
FOUNTAIN LAKE, ARKANSAS 71901

THE MINUTES FOR 88<sup>TH</sup> TOWN COUNCIL MEETING HELD ON  
OCTOBER 3<sup>RD</sup>, 2011.

THE MEETING WAS CALLED TO ORDER BY MAYOR JACK FIELDS. MEMBERS  
PRESENT WERE JIMMY ATTEBURY, CARL RADER, FRANK PHENENGER AND  
TOMMY QUALLS. MEMBER ABSENT WAS JANE TUMA.

A MOTION WAS MADE BY CARL RADER AND 2<sup>ND</sup> BY TOMMY QUALLS TO  
ACCEPT THE MINUTES AND FINANCIALS AS WRITTEN. ALL WERE IN  
FAVOR NONE OPPOSED.

**FINANCIAL COMMITTEE**-NONE GIVEN

**ANNEX COMMITTEE:**

MAYOR JACK FIELDS , TOMMY QUALLS AND MR. JOHN HOWARD MET  
WITH THE JUDGE AND THE ANNEX MEETING WILL BE MOVED. THEY  
INFORMED THE BOARD THAT THERE IS AN ANTI-ANNEXATION PETITION  
GOING AROUND THAT THERE WAS A PROBLEM WITH THE CONTINUOUS  
LAND AND THAT A NEW MAP WAS MADE TO SHOW THE CONTINUOUS  
LAND AND THEY HAD TO AMEND THE PETITION.

MR. HOWARD INFORMED THE BOARD THAT IN ORDER TO ANNEX THREE  
THINGS WERE REQUIRED. ONE THE NEW ANNEX LAND HAS TO BE  
CONTINUOUS 2<sup>ND</sup> THAT THE MAJORITY OF THE NEW ANNEXED AREA  
AGREES AND THAT 51% OF THAT AREA BE THE OWNER OF THE LAND  
ANNEXED. BY AMENDING THIS PETITIONED AREA THERE WILL BE A 30  
DAY WAITING PERIOD BEFORE IT CAN BE BROUGHT BACK BEFORE THE  
JUDGE.

**ORDINANCE COMMITTEE:** WILL BE BROUGHT UP IN OLD BUSINESS.

**MARSHALL REPORT:** SEE PAPERS IN FILE.

**OLD BUSINESS:**

ORDINANCE TO REGULATE UNSANITARY, UNSIGHTLY CONDITIONS ON  
REAL PROPERTY WAS BROUGHT BEFORE THE BOARD. A MOTION TO  
SUSPEND THE RULES AND READ BY TITLE ONLY 3 TIMES REPETITIVELY  
WAS MADE BY TOMMY QUALLS AND 2<sup>ND</sup> BY CARL RADER. IT WAS READ  
BY THE CLERK THREE TIMES. DISCUSSION WAS MADE AND MR. HOWARD  
SUGGESTED THAT THE SECTION 7 SEVERABILITY AND SECTION 8

REPEALER BE ADDED IN FULL CONTENT AND THAT THE EFFECTIVE DATE BE CHANGED TO 30 DAYS AFTER PASSAGE. A MOTION WAS MADE TO AMEND THE ORDINANCE BY TOMMY QUALLS AND 2<sup>ND</sup> BY CARL RADER ALL WERE IN FAVOR NONE OPPOSED. A MOTION TO SUSPEND THE RULES AND READ THE AMENDED ORDINANCE BY TITLE ONLY WAS MADE TOMMY QUALLS AND 2<sup>ND</sup> BY CARL RADER. THE AMENDED ORDINANCE WAS READ BY THE CLERK 3 TIMES REPETITIVELY AND MORE DISCUSSION WAS MADE. A MOTION TO PASS SUCH AMENDED ORDINANCE WAS MADE BY CARL RADER AND 2<sup>ND</sup> BY TOMMY QUALLS. CARL RADER, TOMMY QUALLS AND JIMMY ATTEBURY VOTED FOR THE ORDINANCE FRANK PHENENGER ABSTAINED. ORDINANCE NUMBER 2011-05 PASSED.

FINANCIALS FOR 6 MONTHS WAS POSTED IN LOCAL PLACES AND WILL POST IN THE PAPER.

**NEW BUSINESS:**

MAYOR JACK FIELDS BROUGHT BEFORE THE BOARD A RESOLUTION AUTHORIZING THE PURCHASE AND ACQUISITION OF PROPERTY AND EASEMENT LOCATED IN SECTION 34, TOWNSHIP 1 SOUTH, RANGE 18 WEST, GARLAND COUNTY, ARKANSAS FOR NO MORE THAN \$2,000.00. FRANK PHENEGER MADE A MOTION AND IT WAS 2<sup>ND</sup> BY TOMMY QUALLS TO ACCEPT THE RESOLUTION. DISCUSSION WAS MADE AND MR. HOWARD STATED THAT THE RESOLUTION AND THE DEED NEED TO STATE THAT THE TOWN OF FOUNTAIN LAKE HAS AN AGREEMENT WITH THE FIRE DEPARTMENT STATING THAT THEY HAVE THE FIRST CHANCE TO BUY THE SAID LAND AND ANY DWELLING THAT IS BUILT BACK IF TOWN CHOOSES NOT TO OBTAIN THE LAND AND DWELLING AT ANY TIME IN THE FUTURE. TOMMY QUALLS MADE A MOTION TO ACCEPT THE AMENDED RESOLUTION AND IT WAS 2<sup>ND</sup> BY FRANK PHENENGER MORE DISCUSSION WAS MADE. ALL WERE IN FAVOR NONE OPPOSED. RESOLUTION #2011-04 PASSED.

MAYOR JACK FIELDS BROUGHT BEFORE THE BOARD AN ORDINANCE TO BECOME A CITY OF 2<sup>ND</sup> CLASS. MR. HOWARD ADVISED THE BOARD ABOUT THE LEGAL PROCESS ON THIS MATTER AND ADVISED THE BOARD TO WAIT UNTIL ANNEXATION PROCESS IS COMPLETE TO SEE IF ANY NEW AREAS WILL BE ANNEXED DO TO REDISTRICTING ALL AREAS. CARL RADER ALSO WANTED TO KNOW WHAT THE ADVANTAGES WERE TO BECOMING A TOWN OF 2<sup>ND</sup> CLASS. MR. HOWARD READ THE LETTER FROM THE SECRETARY OF STATE THAT SAID THIS WAS A VOLUNTARY ACT. MR. HOWARD STATED THAT IF THE BOARD WISHES HE WILL PREPARE AN OPINION LETTER THAT SAYS WHAT THE TOWNS REQUIREMENTS ARE AS TO WHETHER WE ARE REQUIRED TO ACCEPT THE CITY OF 2<sup>ND</sup> CLASS STATUS.

MR. HOWARD PREPARED A CONTRACT FOR THE TOWN THAT SHOWS THE TERMS OF HIS ASSOCIATION WITH THE TOWN THAT HAS BEEN DISCUSSED AT PREVIOUS MEETINGS AND STATES IN HIS CONTRACT THAT HE WILL BE HIRED ON A YEAR TO YEAR BASIS FOR LEGAL AND PROSECUTING SERVICES WITH REVIEW AT THE FIRST TOWN COUNCIL MEETING OF EACH NEW YEAR SEE ATTACHED LETTER FOR FULL DETAILS. A MOTION WAS MADE BY TOMMY QUALLS AND 2<sup>ND</sup> BY JIMMY ATTEBURY TO ACCEPT SAID CONTRACT ALL WERE IN FAVOR NONE OPPOSED. MR. HOWARD ALSO WANTED TO DISCLOSE TO THE BOARD THAT HE HAS REPRESENTED MR. JIMMY ATTEBURY AND HIS FAMILY IN LEGAL MATTERS UNRELATED TO THE TOWN OF FOUNTAIN LAKES BUSINESS MATTERS IN ANY WAY IN THE PAST.

MS TILLERY-GRAVES ADDRESSED THE BOARD ABOUT ANNEXATION QUESTIONS CONCERNING WHAT PART WAS BEING ANNEXED AND HOW THE TOWN DETERMINED THESE AREAS AND IF THE TOWN WAS FINANCIALLY ABLE TO MAINTAIN THE AREAS ANNEXED IF ACQUIRED. THE BOARD ANSWERED THESE QUESTIONS TO THE BEST OF THEIR KNOWLEDGE.

A MOTION WAS MADE BY JIMMY ATTEBURY AND 2<sup>ND</sup> BY CARL RADER TO ADJOURN. ALL WERE IN FAVOR NONE OPPOSED.

  
MAYOR, JACK FIELDS

  
TOWN CLERK, TRACIE TAYLOR

