

THE TOWN OF  
FOUNTIAN LAKE, ARKANSAS  
7148 PARK AVENUE  
FOUNTAIN LAKE, AR71901

THE MINUTES FROM THE 99TH SPECIAL TOWN MEETING HELD ON  
SEPTEMBER 20<sup>TH</sup>, 2012.

THE MEETING WAS CALLED TO ORDER BY MAYOR JACK FIELDS, MEMBERS  
PRESENT WERE JIMMY ATTEBURY, PETE DOW, JANE TUMA AND FRANK  
PHENENGER. MEMBER ABSENT WAS CARL RADER. MR JOHN HOWARD  
WAS ALSO PRESENT AND MR. KING CAME IN LATE.

THE MEETING WAS CALLED DUE TO THE ANNEXATION BEING DENIED BY  
JUDGE DAVIS.

MR. HOWARD ADDRESSED THE BOARD WITH THE DOCUMENTATION THAT  
WAS SUBMITTED AND REASONS WHY JUDGE DAVIS DENIED THE REQUEST.  
MR. HOWARD STATED THAT THE ORDER THAT CAME DOWN ON  
SEPTEMBER 20, 2012 WAS BASED MAINLY ON THREE REASONS. THE 1ST  
BEING THAT THE TOWN OFFERED MINIMAL SERVICES, 2<sup>ND</sup> THE REASON  
FOR ANNEXATION WASN'T SUFFICIENT AND 3<sup>RD</sup> THE PRIMARY REASON  
WAS THE SIZE OF ANNEXATION WAS TOO LARGE REGARDLESS OF THE  
TOWN MEETING THE STATUTORY REQUIRMENTS FOR THE VOLUNTARY  
ANNEXATION.

MR. HOWARD PRESENTED THE BOARD WITH OPTIONS THE TOWN COULD  
TAKE THE 1<sup>ST</sup> BEING TO WITHDRAW THE PETITION, 2<sup>ND</sup> BEING DO NOTHING  
AND THE 3<sup>RD</sup> BEING TO APPEAL TO CIRCUIT COURT WERE WE WOULD  
HAVE A LEGAL JUDGE INSTEAD OF A COUNTY JUDGE. MR. HOWARD  
STATED THAT BOTH SIDES HAVE GOOD ARGUMENTS. JANE TUMA ASKED  
MR. HOWARD IF THE TOWN HAD A STRONG ENOUGH CASE FOR AN APPEAL  
AND ONCE AGAIN MR. HOWARD STATED THERE ARE SOME GOOD  
ARUGMENTS FOR APPEAL. MR. HOWARD THEN INFORMED THE BOARD OF  
THE COST TO PROCEED WITH AN APPEAL HE STATED THERE WOULD BE  
FILING FEES, ATTORNEY FEES, POSSIBLE SUBPOENA FEES AND NEEDED  
TRANSCRIPT COPIES WITH THE INTIAL COST AROUND 3 TO 4 HUNDRED  
DOLLARS. FRANK PHENENGER ASKED IF THE ATTORNEY AND OTHER FEES  
COULD BE RECOUPED. MR. HOWARD STATED THAT IT'S STANDARD TO  
ASK THE COURT TO AWARD ATTORNEY FEES AND OTHER COST BACK BUT  
THAT IT IS DISCRETIONARY TO THE JUDGE.

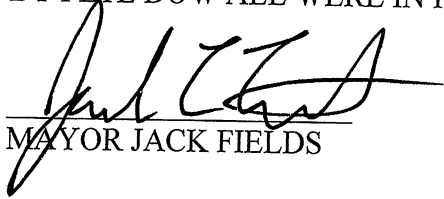
FRANK PHENENGER MADE A MOTION FOR A RESOLUTION THAT WILL  
ALLOW THE TOWN TO PRECEDE WITH THE APPEAL IT WAS 2<sup>ND</sup> BY JIMMY  
ATTEBURY.

FRANK PHENENGER, JIMMY ATTEBURY AND JANE TUMA VOTED FOR THE  
MOTION AND PETE DOW VOTED AGAINST. THE MOTION FOR THE  
RESOLUTION PASSED 3 TO 1. MR. HOWARD STATED THAT APPEALS CAN

GO BACK AND FORTH. IF THE TOWN WINS THE APPEAL THEN ANOTHER APPEAL CAN BE MADE AGAINST IT.

MR. KING ADDRESSED THE BOARD ABOUT THE ANNEXATION AND INFORMED THE BOARD THAT HE HAS HAD SOME MEDICAL ISSUES AND THAT IS WHY HE HASN'T BEEN ABLE TO HELP WITH THE WEBSITE.

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

  
MAYOR JACK FIELDS

  
TOWN CLERK, TRACIE TAYLOR

