thTOWN OF FOUNTAIN LAKE,

7059 PARK AVENUE, FOUNTAIN LAKE, AR 71901

MINUTES FROM THE 230th TOWN COUNCIL MEETING. THIS WAS HELD ON AUGUST 26, 2024.

MEMBERS PRESENT WERE MAYOR JACK FIELDS, KARL LOWRY, HAROLD JAMES, AND NICK LOWRY. JOE REPICI AND JIMMY ATTEBURY WERE ABSENT. ATTORNEY JUSTIN HURST WAS PRESENT AND MEMBERS FROM THE COMMUNITY WERE ALSO PRESENT.

THE MINUTES WERE HANDED OUT. A MOTION WAS MADE BY NICK LOWRY TO ACCEPT THEM AS WRITTEN AND IT WAS 2ND BY KARL LOWRY. ALL WERE IN FAVOR NONE OPPOSED.

THE FINANCIAL TOTALS WERE GIVEN OUT. A MOTION WAS MADE BY HAROLD JAMES AND 2ND BY NICK LOWRY TO ACCEPT THEM AS WRITTEN. ALL WERE IN FAVOR NONE OPPOSED.

FINANCIAL COMMITTEE: 6 MONTH FINANCIALS WERE HANDED OUT AND THE MAYOR WILL POST THEM IN THE PAPER.

ROAD COMMITTEE: WAITING ON TIM JACKSON TO START MOWING.

OLD BUSINESS: THE MAYOR BROUGHT BEFORE THE BOARD THE ISSUE WITH ELK MEADOWS TRAIL THAT HAS THE PRIVATE GATE BLOCKING ACCESS. ATTORNEY JUSTIN HURST STATED I SEE THIS IS STILL AN ISSUE WITH THE GATE REMAINING CLOSED AND AFTER TALKING WITH BOARD MEMBERS HE STATED THAT HE RESEARCHED THIS EXTENSIVLY AND HAD DISCUSSIONS WITH OTHER LAWYERS AND THE MUNICIPAL LEAGUE TO BAT AROUND IDEAS TRYING TO AVOID LITIGATIONS BUT HE SEES NO CHOICE IF THE GATE IS GOING TO REMAIN CLOSED TO HAVE A FORMAL LETTER TYPED UP THAT HE WILL EMAIL TO THE BOARD PENDING APPROVAL AND WITH THE GREEN LIGHT HE WILL SEND THAT LETTER OUT TO THE OWNER OF THE PROPERTY MR. DARRELL RIGSBY. IT WILL GO OUT CERTIFIED RESTRICTED MAIL AND HE WILL HAVE APPROXIMATELY 10 DAYS TO RESPOND OR HAVE HIS LEGAL COUNCIL RESPOND TO HIM BUT IF THE GATE REMAINS CLOSED ALLOWING ACCESS TO THE ROAD UPON THE SPECIFIED DEADLINE I SEE NO CHOICE BUT THE BOARD HAVING TO TAKE LEGAL ACTION AND PROCEED WITH A LAW SUIT. I HAVE GONE BACK AND FORTH ON PREPARING THE LAW SUIT BUT I BELIEVE IT WOULD BE THE TOWN AGAINST MR. DARRELL RIGSBY. I DO HAVE A ROUGH DRAFT BUT COULD HAVE THE FINAL DRAFT FOR APPROVAL BY THE BOARD PROBABLY WITHIN 10 DAYS AND HAVE THE BOARD APPROVE IT IF THE BOARD SO CHOOSES TO PROCEED WITH THAT. THEN WE WILL COMMENCE LITIGATION AND PROCEED WITH THE LAW SUIT IN THE GARLAND COUNTY CIRCUT COURT FOR EITHER OPENING OF THE GATE FOR PUBLIC ACCESS OR DAMAGES FOR THE COST OF EXPENSES THE TOWN IS OUT DUE TO THE ISSUES OF THE GATE REMAING CLOSED.

NOT A GREAT RESOLUTION BUT THE I SEE NO OTHER CHOICE.

MAYOR STATED THAT IS WHERE WE STAND AS OF RIGHT NOW WITH THIS ISSUE.

KARL LOWRY BROUGHT EFORE THE BOARD A COPY OF THE CODE OF CONDUCT BUT BEFORE WE START WITH THAT I WOULD LIKE TO BRING BEFORE THE BOARD A RECAP FROM OUR LAST MEETING FOR THE RECORD. DURING THE MEETING LAST MONTH THERE WAS DISCUSSION ABOUT COMMUNICATION WITHIN THE TOWN COUNCIL, DISCUSSION ABOUT PROPER COMMUNICATION AND DISCUSSION ABOUT WHAT WE DO OR DON'T DO AS A TOWN COUNCIL. EVERYBODY THAT WAS HERE SAID THEY WOULD TRY TO BE MORE COMPLIANT AND RESPECTIVE OF THOSE TYPE OF THINGS AND I DON'T FEEL BAD ABOUT WHAT I AM ABOUT TO SAYTONIGHT. MR. REPICI IS NOT HERE TONIGHT BUT HE HAS TOOK IT TO FACEBOOK HIS MOST POPULAR PLATFORM TO MAKE A POST TODAY THAT MADE SOME ALLEGATIONS AGAIN TO TRY AND STIR PROBLEMS IN THE COMMUNITY SOMETHING THAT SEEMS TO BE HIGH ON HIS AGENDA TALKING ABOUT SOME TYPE OF COLLUSION THAT NO ONE IS COMMUNITCATING WITH HIM AND THAT HE WAS NOT AWARE OF THE MEETING BUT WHAT I FIND INTERESTING THAT KINDA SHOWS A PATTERN HERE AND HE STATES CLOSE TO THE BOTTOM THAT HE IS A WORKING COUNCILMAN AND ITS DIFFICULT FOR HIM TO PLAY REPORTER AS WELL. HE STATES HE WAS NOT AWARE OF THE MEETING TODAY UNTIL AUGUST THE 12TH BUT YET A BUSY COUNCILMAN UTILIZED THE TOWN OF FOUNTAIN LAKES FACEBOOK PAGE WHICH CLEARLY SHOWS THAT IT WAS ANNOUNCED ON JULY THE 28TH WHICH WAS A MONTH AGO THAT THIS MEETING WAS GOING TO BE HELD TODAY. IF HE WAS A BUSY COUNCILMAN HE SURE IS ON FACEBOOK ALOT. MY POINT IS THAT MR. REPICI WAS GOING TO BE MORE ACCOUNTABLE IN HIS ACTIONS AND SINCE THE LAST MEETING HE HAS CLEARLY SHOWN THAT NUMBER 1 HE IS ABSENT AND NUMBER 2 ON THE DAY OF THE MEETING HE IS AGAIN ON FACEBOOK GOING AGAINST WHAT SHOULD BE A CORE PRINCIPAL FOR ANYBODY WHO IS AN ELECTIVE OFFICIAL. I WANTED TO MAKE SURE THIS WAS NOTED IN THE MINUTES THAT WE HAVE ADDRESSED THAT THE PROBLEM THAT WE STARTED TALKING ABOUT A MONTH AGO IS AGAIN BEING REFIRED UP AGAIN BY THE SAME INDIVIDUAL WHO HAS CAUSED PROBLEMS IN THE LAST 60 DAYS AND THAT MR. REPICI IS NOT BEING COMPLIANT AND THAT IT IS IRREGARDLESS OF THE CODE OF CONDUCT BEING PRESENTED BUT WE STILL HAVE MORAL STANDARDS TO UP HOLD.

MAYOR JACK FIELDS STATED HE WORKS SHIFT WORK AND HAS NO MORE VACATIONS DAY TO WHERE HE CAN TAKE OFF, THAT HE USED MOST OF HIS VACATION FOR HIS WIFE. WHICH KARL STATED HIS WIFE HAS PASSED AWAY AND HAD TO TAKE CARE OF HER.

THE MAYOR ASKED WHAT DID THE BOARD WANT TO DO WITH THE CODE OF CONDUCT THAT WAS HANDED OUT.

KARL LOWRY HANDED OUT AN UPDATED VERSION OF THE CODE OF CONDUCT THAT HE RECOMMENDS FOR THE BOARD TO LOOK OVER. DISCUSSION WAS HAD BY THE BOARD AND IT WAS DECIDED TO GIVE MR. HURST AND BOARD MEMBERS TIME TO

LOOK OVER THE UPDATED VERSION.

THE MAYOR ASKED FOR A MOTION TO TABLE THE CODE OF CONDUCT UNTIL THE FINAL DRAFT IS SENT OUT FOR A VOTE AT THE NEXT MEETING. A MOTION WAS MADE BY NICK LOWRY AND 2ND BY KARL LOWRY. ALL WERE IN FAVOR NONE OPPOSED.

NEW BUSINESS: MAYOR JACK FIELDS BROUGHT BEFORE THE BOARD RESOLUTION # 02-2024 LEVYING ZERO MILLAGE FOR THE YEAR 2025. IT WAS READ ONCE. A MOTION WAS MADE BY HAROLD JAMES AND 2ND BY NICK LOWRY TO ACCEPT THE RESOLUTION AS READ. ALL WERE IN FAVOR NONE OPPOSED.

MAYOR JACK FIELDS BROUGHT UP FOR DISCUSSION THE HALLOWEEN FESTIVAL THAT WE USUALLY DO AROUND HALLOWEEN BUT LAST YEAR KEPT GETTING DELAYED DUE TO WEATHER SO THIS YEAR WE ARE CHANGING IT TO A FALL FESTIVAL WHICH WILL BE HELD ON OCTOBER 5, 2024 FROM 4 TO 8 FREE TO THE PUBLIC. WE WILL HAVE JUMPY HOUSES, CLAMPITS BBQ, HOT DOGS, CHIPS. DRINKS, DESERTS AND OTHER ITEMS.

THE CLERK TREASURER WILL CHECK ON THE PETTING ZOO AND PONY RIDE AND OTHER OPTIONS.

DISCUSSION WAS MADE FOR OTHER ITEMS TO HAVE FOR THE FALL FESTIVAL. FINAL PLANS WILL BE MADE AT THE NEXT MEETING.

THE MAYOR WILL CHECK WITH THE FIRE DEPARTMENT FOR PARTICIPATION.

MAYOR JACK FIELDS INFORMED THAT THE BARN HAS BEEN REMOVED AND THE MAYOR WILL GET SOME DIRT TO COVER THE AREA IN CASE OF NAILS.

MAYBE SEE ABOUT PUTTING A SAFE ROOM WHERE IT WAS AT.

PUBLIC COMMENT: KEVIN MEACHAM SPOKE BEFORE THE BOAD STATING HE WOULD FIRST LIKE TO SAY THANK YOU FOR BEING HERE I KNOW BEING A VOLUNTEER IS A THANKLESS JOB AND ITS HARD PUTTING IN YOUR TIME ESPECIALLY WITH YOUR MOTHER IN THE HOSPITAL I APPRECIATE YOU BEING HERE AND DOING WHAT YOU DO. (THE BOARD SAID THANK YOU)

I AM MEMBER OF MANY BOARDS AND COMMITTEES AND KNOW HOW ALL THIS GOES. I HAVE TO SAY THE WAY YOU GUYS HAVE STRUCTURED THIS IS KINDA OF WEIRD BECAUSE YOU DON'T ALLOW COMMENTS UNTIL THE VERY END UNTIL YOU HAVE ALREADY MADE YOUR DECISIONS. YOU DON'T ADDRESS ANYTHING FROM PREVIOUS MEETINGS AND I WANTED TO POINT THIS OUT. ALL OF OUR COMMENTS AND CONCERNS FROM THE PREVIOUS MEETING AND NOTHING WAS BROUGHT UP IN THIS MEETING OR LAST MONTHS MEETING.

THE MAYOR ASKED CONCERNS ABOUT WHAT THE GATE? MR. MEACHAM SAID YES SIR AND THAT WAS THE BULK OF IT. THE MAYOR STATEDTHE GATE HAS TO COME OPEN.

MR. MEACHAM STATED HE MADE COMMENTS TO YOU OR THE OTHERS THAT WERE STILL HERE ALONG WITH YOUR ATTORNEY. HE STATED WE NEEDED TO LOOK INTO THE PREVIOUS ATTORNEYS INSURANCE AND LIABILTITY BECAUSE THEY SIGNED OFF ON YOUR TRANSACTION SAYING IT WAS LEAGL WHEN IT WASN'T. SO THERE AT FAULT NOT MR. RIGSBY NOT ANYONE IN THE ASSOCIATION WE DIDN'T DO ANYTHING WRONG. YOUR ATTORNEY SIGNED OFF ON IT SAYING IT WAS 100% LEGAL AND IT WASNT THERE NEO SHOULD COVER YOU AND I UNDERSTAND YOU SPENT MONEY WHERE YOU WEREN'T SUPPOSE TO.

MAYOR JACK FIELDS AND THE TREASURER STATED YOUR SAYING OUR ATTORNEY AT THE TIME MIGHT HAVE MALPRACTICE INSURANCE TO COVER THIS.

MR. MEACHAM SAID CORRECT ERRORS AND OMMISSIONS AND I MENTIONED THAT TO YALL AFTER THE MEETING AND I POINTED AT THE ATTORNEY AND SAID THIS MAN SHOULD CONTACT HER AND HE CAN DIG INTO THIS SINCE SHE IS STATING THAT SHE IS NOT LIABLE.

CLERK/TREASURER STATED THE ATTORNEY STATED THAT SHE DID NOT HAVE THE BACKGROUND IN TOWN LAW TO GIVE US FURTHER INFORMATION IN THAT AREA.

MR. MEACHAM SAID THAT SHE WAS PRESENT IN COURT REPRESENTING THE TOWN ALONG WITH THE JUDGE AND THE COUNTYS ATTORNEY AND I GET THAT THE JUDGE IS JUST THE JUDGE BUT THE ATTORNEYS SIGNED OFF ON SAYING IT IS LEGAL.

ALSO WE HAVE AN ATTORNEY, I SIT IN YOUR CHAIR ON WHERE I AM AND I AM THE GENERAL MANGER FOR THE TOWNHOUSE ASSOCIATION AND WE HAVE AN ATTORNEY THAT WE KEEP ON RETAINER FOR JUST THIS KIND OF STUFF AND I ASKED HIM AND HE LAUGHED AT ME HE SAID 100% THAT THERE IS KNOW ONE IN YOUR NEIGHBORHOOD WHO WILL OWE A DIME. WITH EXTREME CONFIDENCE THERE IS NOTHING THAT IS ON OUR PLATE THAT IS OURS. SO I WOULD ENCOURAGE EVERYONE TO DIG INTO HER INSURANCE.

THE NEXT MEETING WILL BE ON SEPTEMBER 19, 2024.

A MOTION WAS MADE BY HAROLD JAMES TO ADJOURN AND IT WAS 2ND BY NICK LOWRY. ALL WERE IN FAVOR, NONE OPPOSED.

MAYOR JACK FIELDS

CLERK/TREASURER TRACIE TAYLOR

SEAL OF THE MAYOR OF FOUNTAIN LAKE, AR
TOWN INCORPORATED 1999