

Mayor: Ethan J. Barnes  
Recorder-Treasurer: Mitchell Sparks  
Council Members: Penny Allen, Tony Berry  
Mark Gordon, Laura Smith  
Sue Taylor, Herbert Wise  
City Attorney: Joe Grider

# City of Hardy, Arkansas

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## Minutes of Regular Business Meeting

Hardy City Council

October 16, 2023 · 6:00 p.m.

Hardy City Hall

Mayor Ethan J. Barnes called the meeting to order at 6:07 p.m. Monday, October 16 at Hardy City Hall, 124 Woodland Hills Road, Hardy, Arkansas. Councilman Gordon led all in the Pledge of Allegiance to the flag of our country. Councilman Berry gave the invocation. Recorder-Treasurer Mitchell Sparks called the roll. The following council members answered to their names: Penny Allen, Tony Berry, Mark Gordon, Laura Smith, Sue Taylor and Herbert Wise. With all six council members present, there was a quorum. Attorney Joe Grider was also present.

Councilman Gordon made a motion to approve the minutes of the regular business meeting on September 11, 2023. Councilwoman Taylor seconded the motion. All in favor; motion passed.

Councilwoman Smith made a motion to accept the agenda. Councilman Gordon seconded the motion. All in favor; motion passed.

### REPORTS

Mayor Barnes called for committee reports.

**City Financial:** Recorder-Treasurer Sparks noted the interest income is growing. He referred the council to page 1 of 7 that donation income is very high, and Chief Josh Moore will discuss during his report. Mentioned the property taxes are due today, and an influx of money should be seen because of it. The A&P Commission has been billed for the quarterly payment to the city but is not currently shown on the financials. Referring to line 8003 on page 6 of 7 on the General Fund. There is a deficit on this line, but it will be addressed in this meeting. After reviewing the financials, it looks like the city is on track.

**Fire Department:** Chief Moore supplied a run sheet showing the numbers from various types of incidents. He reported that there were 42 calls in the month of September, and it was the second busiest month in the past two years. There were 47 calls in the month of June of 2022. As for donations, the HFD had two very good weekends where they stood out at the stop light with a 'fill the boot'. They raised approximately \$15,000 in two weekends. They have been doing some fall cleaning around the firehouse. Councilman Gordon requested a specific report for next month. He'd like to know how many the calls are going to Ozark Acres from a recent Mutual Aid agreement that was passed through Hardy City Council.

**Police Department:** Officer Anthony Gielen presented the Hardy Police Department report, as Chief Scott Rose was on a call. He was unable at the time to provide exact numbers for September police calls. He wanted to remind the council that as the weather gets colder, driving conditions will change. He reported that an overturned semi scattered PVC pipe recently on the bypass. The HFD and first responders helped clean up the pipe. He reported on a separate occasion that in wet conditions a Jeep pulling a small camper trailer slipped into the back of a semi-trailer. Councilman Wise requested a specific report concerning how many accidents happen at each end of the bypass. Councilwoman Taylor asked if a sign stating how many feet to the intersection would help. Wise agreed, possibly a flashing light. Councilwoman Allen suggest moving the stop sign back on the west side of the bypass to ensure semis have enough room to turn. Mayor Barnes requested verbal permission for the council to reach out to the Arkansas Department of Transportation (ARDOT) to voice the city's concerns. Gielen also stated there is an issue with the lighting over at the north bypass. It's not lit up very well, at all. Mayor Barnes said he made a

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City of Hardy, Arkansas  
Recorder-Treasurer Office



request to Entergy to install some utility poles there, but the right-of-way from ARDOT is a large number. ARDOT has to go to their supervisory board to grant approval to install the utility poles, it's at a standstill. Councilwoman Smith referenced the Strategic Plan and item 26 states, "add streetlights to each end of By-Pass & at residential entrances".

**Public Works Department:** Superintendent Steve Morris said that Hardy Water Works has worked on seven or eight water leaks the past couple of weeks. There are four more today that they found. There is one big project they need to plan, and more to come. They started cleaning over in Councilman Gordon's area. There is some cold patching to do around Councilwoman Taylor's area. Mayor Barnes asked about the equipment at the treatment facility. Morris stated they have a new gear box, a new shaft, and new parts for the aerator.

**Planning & Zoning Commission:** Mayor Barnes stated they did not have a meeting last month, because there weren't any applicants. Same for this (October) month.

**Solar Eclipse Preparedness Committee:** Mayor Barnes said the committee met prior to the current meeting. There was discussion about detouring traffic and some requests that they have to make to the council at a later time. He said it's at 5:30 p.m. prior to the City Council meeting and it's open to the public.

**Sharp County Regional Airport Commission:** Mayor Barnes said their next regular meeting is November 1 at 3:00 p.m. They added a Special Finance Meeting on October 18 at 3:00 p.m. The meetings are held at the airport in Cherokee Village. He said the authority has acquired a couple of properties on Highway 62-412 around the old 'Tommy Hairfigures' property. They are doing a painting and striping project. The company should be finished soon to get new stripes on the runway. They are implementing new signage and a new logo to better identify the airport. They recently accepted some bids to cut the trees behind the two properties they acquired. It was L&L Tree Service, Batesville for \$12,500. Councilwoman Taylor asked if that was where the land is cleared. Barnes explained that they had determined there were some birds nesting in the tops of the trees. They need to top those trees, so they won't have another incident where an aircraft tops those trees.

**Tri-County Recycling Board:** Mayor Barnes said total income for the month of August was \$7,221.31 and total expenses of \$7,785.85. This left an ending balance of \$1,033.73. They stated that funds are extremely low and they're not sure how long they can keep the recycling center open. Mayor Barnes wanted the council to be aware they are having financial trouble. If they are not able to continue, it'll fall back on the municipalities, which is costly. Mayor Barnes said the council may need to look at providing additional funds to Tri-County Waste Disposal, so they can continue to provide our citizens with recycling. The minutes state that Brian Watson has been working evenings and on weekends to keep the recycling center open until a new manager can be hired.

**Hardy Advertising & Promotion Commission:** Chairwoman Tracie Moore passed out meeting minutes. She said the August account balance was \$77,441.10 and capital reserve balance is \$51,519.47. They agreed to spend \$200 on filigree-style planters for the water pump on Main Street. For Hardy Homesteaders Day, \$3,025 was awarded to Hardy Historical Society for advertising support for the event. The Society also received \$1,000 from the Ozark Gateway Regional Tourist Council. Commissioner Ginni Kauffman will lead a subcommittee to look into converting the old gas structure on the Civic Center parking lot into Welcome Center. Music on Main concerts will continue through November 18, and she wanted to let the council know that people were coming in from out of town, such as Paragould. (During the meeting, Moore was informed that they decided to stop on October 28, because of the cold.) Under advertising opportunities, they have earmarked \$5,235.00 with CJRW/Arkansas.com. Moore said Commissioner Amanda Smith tendered her resignation, which was accepted. From the September meeting, the general account was at \$97,738.35 and the capital reserve balance is \$51,637.29. She said Treasures in the Ozarks Arts and Crafts Show was awarded \$1,500 for advertising support which will be matched with \$1,000 from Ozark Gateway Regional Tourist Council. Hardy's Wilson Masonic Lodge #432 was awarded \$200 for their flea market fundraiser. The commission decided to purchase 3,500 more rack cards and these will be sent to the warehouse in Little Rock to be dispersed to all the Welcome Centers in the state of Arkansas. She said momentum is pretty high,



and they want to keep that going. The commission agreed to an increase on the credit card to \$10,000 as a temporary increase to order exterior Christmas décor for Loberg Park. Once these expenses are out of the way, they will put the credit card back to \$2,000 maximum balance. The commission agreed to give \$2,400 to the City of Hardy to hire a person to put up and take down the Loberg Park Christmas display. Their goal is to have the display turned on November 22, except for the Christmas tree. The lighting of the digital Christmas tree will be on December 2. They want it to be a festive event, with a Santa and carolers.

**Mayor's Office:** Mayor Barnes said he wanted to reflect on a safe and successful summer that we had here in Hardy. The city is looking to make some repairs prior to the approaching winter season. The Fun Park Grant Application was received by the state, and it scored a perfect score. Barnes is thankful for the city's friends at the White River Planning and Development District for helping get the grant started. He wanted to thank everyone in the community that helped get it where it needed to be. The next step is a hearing at the state capitol in Little Rock. Barnes says he will attend to speak on behalf of the application. This will be on October 25 – 27 and Representative Steimel will work to attend to speak in favor of that grant application. Barnes wanted to thank the Sharp County Community Service Program and Mr. Briann Watson, the Sharp County Sheriff's Office and the Sharp County Judge's Office for coordinating with the city for a successful Hardy Homesteaders Day. He thanked the volunteers in our community for making it successful. On October 28, will be the 'Trail of Treats' from 4 to 6 p.m. in the downtown area, and, new this year, from 6 to 9 p.m., there will be a city-wide Halloween event. For part time residents, if they are leaving for the winter, please let the city know so their water can be turned off at their properties to keep from having a water leak. The city is looking for volunteers to help with recycling.

#### **OLD BUSINESS**

NONE

#### **NEW BUSINESS**

Mayor Barnes presented information about Resolution No. 2023-20 concerning a water grant to relocate a water line near the Lake Sherwood Dam. All the bids were received, and the most competent low bid was \$243,760 from Big Creek Contractors, Inc, of Heber Springs.

Councilwoman Taylor made a motion to read Resolution No. 2023-20 Water Line Contract. Councilwoman Smith seconded the motion. All in favor, motion passed. Grider read Resolution 2023-20 Water Line Contract. Councilwoman Smith made a motion to accept Resolution No. 2023-20 Water Line Contract. Councilwoman Taylor seconded the motion. Mayor Barnes called for a roll call vote. Smith – yes. Taylor – yes. Wise – yes. Gordon – yes. Berry – yes. Allen – yes. The vote was six to zero; motion passed.

Mayor Barnes presented information about the yearly Ad Valorem resolutions that need to be presented to Sharp and Fulton Counties by their November meetings. He presented Sharp County Ordinance 2022-13 that states the various mills for Sharp County municipalities. He presented a document that is a recap of what Hardy receives for real estate and personal property taxes for the years 2021 and 2022. He then presented a proposal to raise the City of Hardy mills from 2.9 to 4.0. Barnes said there has not been adjustment since prior to 2007 (at least), according to available records. Barnes stated discussion of increased taxes is difficult, but Hardy has a large fire district and does not assess any fire response fees. Hardy does not have a fire protection fee. Councilman Gordon stated Hardy needs to charge for out of area fire calls. He also asked how a mill was calculated. Barnes and Grider did not know. Councilman Wise asked if the Highland School District tried to increase their mills within the last year or so. Barnes answered yes. Wise stated he's not in favor of a tax increase. Councilman Berry said whether he's for or against it is not the issue. He would rather walk through his ward and ask the people. Councilwoman Allen said it was best to leave it at the current rate. Councilwoman Smith asked about how to speak to their wards and what is the downside to not increasing the rate? What would the increase create for the city?

A separate discussion was started to determine whether Ozark Acres had a fire department or not. Hardy Fire Department personnel explained that it was being rebuilt, and for a short time they didn't have radios. This meant Hardy would be called out only to find Ozark Acres fire department was on the scene (occurred 2-3 times). A \$25



per parcel fire department fee was discussed, and a request made to put it on a future agenda. Barnes explained that the City of Hardy can't assess a fee on residents outside of the city limits, it must be petitioned.

Councilman Wise made a motion to table Resolution No. 2023-21 Ad Valorem Sharp County. Councilwoman Allen seconded the motion. Mayor Barnes called for a roll call vote. Smith – no. Taylor – no. Smith – no. Gordon – no. Berry – no. Allen – no. The vote was zero to six, motion failed.

Councilman Wise made a motion to read Resolution No. 2023-21 Ad Valorem Sharp County with a substituted mill rate of 2.9. Councilwoman Allen seconded the motion. Mayor Barnes called for a roll call vote. Wise – yes. Allen – yes. Taylor – yes. Gordon – yes. Berry – yes. Smith – yes. The vote was six to zero; motion passed. Grider read Resolution 2023-21 Ad Valorem Sharp County with a substituted mill rate of 2.9. Councilman Gordon made a motion to accept Resolution No. 2023-21 Ad Valorem Sharp County with a substituted mill rate of 2.9. Councilwoman Taylor seconded the motion. Mayor Barnes called for a roll call vote. Gordon – yes. Taylor – yes. Allen – yes. Berry – yes. Smith – yes. Wise – yes. The vote was six to zero; motion passed.

Councilman Gordon made a motion to read Resolution No. 2023-22 Ad Valorem Fulton County with a substituted mill rate of 2.9. Councilman Wise seconded the motion. Mayor Barnes called for a roll call vote. Gordon – yes. Wise – yes. Taylor – yes. Berry – yes. Smith – yes. Allen – yes. The vote was six to zero; motion passed. Grider read Resolution 2023-22 Ad Valorem Fulton County with a substituted mill rate of 2.9. Jeff Munroe, meeting attendee, raised his hand to ask a question. Mayor Barnes requested a councilperson to yield their time to Munroe. Munroe asked since Sharp County set it at 2.9, has Fulton County said what their rate is set to? Mayor Barnes explained that the city sets the rate. Munroe thanked the council for the clarification. Councilwoman Taylor made a motion to accept Resolution No. 2023-22 Ad Valorem Fulton County with a substituted mill rate of 2.9. Councilman Wise seconded the motion. Mayor Barnes called for a roll call vote. Taylor – yes. Wise – yes. Allen – yes. Berry – yes. Gordon – yes. Smith – yes. The vote was six to zero; motion passed.

Councilman Wise asked if something like this comes up again, can the council get a heads-up? Mayor Barnes said that was fine, but the Ad Valorem resolutions happen every year. If a councilperson has been on the council for more than a year, they have been through this process before.

Mayor Barnes explained that the City of Ash Flat was offering for sale a police vehicle. They have a program where they cycle out their police utility vehicles every two-to-three years. They had a 2020 Dodge Durango pursuit patrol car with 68,000 miles on it and they were asking only \$12,000 for it. Police Chief Rose was the first to accept the deal. Mayor Barnes was thankful to the City of Ash Flat for the opportunity to purchase the vehicle. He mentioned the current Explorer and Taurus are 'on their last leg'. Councilman Gordon made a motion to read Resolution No. 2023-23 Purchase of a Police Vehicle. Councilwoman Smith seconded the motion. All in favor with a voice vote; motion passed. Grider read Resolution 2023-23 Purchase of a Police Vehicle. Councilman Gordon made a motion to accept Resolution No. 2023-23 Purchase of a Police Vehicle. Councilman Smith seconded the motion. Mayor Barnes called for a roll call vote. Gordon – yes. Smith – yes. Allen – yes. Berry – yes. Taylor – yes. Wise – yes. The vote was six to zero; motion passed.

Councilman Gordon made a motion to read Resolution No. 2023-24 Purchase of a Fire Brush Truck. Councilwoman Smith seconded the motion. All in favor with a voice vote, motion passed. Grider read Resolution 2023-24 Purchase of a Fire Brush Truck. Councilman Smith made a motion to accept Resolution No. 2023-24 Purchase of a Fire Brush Truck. Councilman Gordon seconded the motion. Mayor Barnes called for a roll call vote. Smith – yes. Gordon – yes. Berry – yes. Taylor – yes. Wise – yes. Allen – yes. The vote was six to zero; motion passed.

Mayor Barnes introduced Resolution No. 2023-25 Strategic Plan Adoption by referencing Ordinance 2021-6 specifying a strategic planning process for the City of Hardy. He stated the document has been revised with new goals and dates. It has a few things that were completed and removed from the document. He then read the disclaimer on the back page of the plan document. He encouraged anyone with additional items so they can be added to the planning and zoning agenda. Councilman Gordon made a motion to read Resolution No. 2023-25



Strategic Plan Adoption. Councilwoman Smith seconded the motion. All in favor with a voice vote; motion passed. Grider read Resolution 2023-25 Strategic Plan Adoption. Councilman Gordon made a motion to accept Resolution No. 2023-25 Strategic Plan Adoption. Councilwoman Allen asked about item 15 concerning turning the Buford Beach baseball field into a dog park, and wondered when this was discussed. Mayor Barnes explained that the strategic plan was brought up in a Planning and Zoning Meeting three months ago, and he had one person bring in items for the plan. Allen stated that it needs to remain a baseball field. Barnes said the baseball field is in constant need of repairs and he has never seen anyone use it. Allen asked where the dog park would go and who would clean it up. Barnes described that the fence would be pulled up and all of the fencing that was previously knocked down by the floods would be reinstalled to tighten up the space. Allen stated it would just get knocked down again, as she's been told when she's asked about the baseball field. Smith stated the flooding is why they didn't repair the baseball field. Allen had concern that it's not where people walk their dogs, and this will just be a place where people will leave their dogs. Barnes said he was hoping to get the dogs relocated out of Loberg and into the dog park, so they are not running loose at Loberg. Allen said she would like to see playground equipment there instead of a dog park. Gordon said he wasn't going to vote for dog park. Allen thanked him and said it was stupid. Barnes confirmed with Allen that she said it was stupid. She confirmed what she said and added that a dog park is going to smell. Councilman Taylor seconded the motion. Mayor Barnes called for a roll call vote. Gordon – yes. Taylor – yes. Smith – yes. Berry – yes. Wise – no. Allen – yes. The vote was five to one; motion passed.

Mayor Barnes recognized Jeff Munroe for citizen commentary. Munroe had concern about citizens input at the meetings. He stated he's hearing impaired and there are times he's listening, and he can't decipher what was said and it would be nice if he could be recognized to have something repeated. He stated he voted for all but one of the councilmembers, and he thanked the council for what they do, but reading from Resolution 2023-1 where it states citizen commentary will not be allowed at city council meetings. He spoke with Mayor Barnes on Thursday to ask to be on the agenda. Barnes went over with Munroe about agenda requirements and let him know there had only been four people that had asked to speak at the meeting. He is concerned about not being able to speak at meetings. He explained that in the past as you entered the meeting you could sign up for three minutes to speak at the end of the meeting. He explained he's been at meetings where those three minutes were very productive and turned into something you might want to let run longer. Also, a meeting where the three minutes is a nightmare, where it needs to be shut down. He explained he tried to be recognized and was recognized. It suggested it's the 'shouts from the peanut gallery' that breaks up a meeting. It's the person running the meeting responsibility to use parliamentary procedure to bring the meeting to order. He would like the council to amend this resolution back to the previous procedure of allowing a citizen to sign up for a three-minute spot at the end of the agenda. Councilman Wise stated that Munroe has a good point and that he would like to have it put on the next month's agenda. Councilwoman Smith asked Munroe was he asking for a public hearing to discuss the issues he's brought before the council. Grider explained that Wise asked it to be on the next agenda, and the citizens would still need to sign up to be on the agenda to discuss it. Councilman Gordon said that since he's been on this city council, members have been able to pass their time on to be recognized, but we haven't had anyone that wanted to talk. Gordon remembered that when he and Munroe were on the council together, 'it got messy'.

Mayor Barnes recognized Jeff Munroe to address sidewalks and public safety. He told the council that he had a customer fall on the sidewalk outside his business, Noni's Children Boutique. In his opinion, he said his sidewalk is in disrepair. He gave the mayor pictures today. He's been dealing with the Arkansas Department of Transportation (ARDOT) since June trying to figure something out. He and his wife questioned ownership and responsibility. He provided a plat survey of his property. The building is the property line. He does not own the sidewalk. Munroe said ARDOT maintains from the center of the road 25 feet. According to the survey, the center of the road to the face of his building is 26 feet five inches. He said that the current Strategic Plan has Hardy sidewalks listed for 2025. After conversations with ARDOT, he said they quit maintaining Hardy sidewalks because of structures built on the sidewalk. He referenced a situation in Mountain View where they wanted to get funds from a grant for accessibility and he said all of the structures had to come off the sidewalks. Munroe suggested that the city get ARDOT to see where each entity stands on the Main Street sidewalks. He said the mayor had given him from the Hardy Municipal Code Chapter 9.08, Sidewalks. He said the first section pertains to the city, not to the owner. He



then brought up a step near his building going towards the old Horton's Music location, where someone had fallen, and the City of Hardy, previous administration, poured that ramp. Grider confirmed that the city maintains the sidewalks. They maintain the right-of-way, but the owner has to keep it free from obstructions. Grider suggested the city should form a committee to hire an engineer or architect to plan it out, because of the ADA issues. The city has to understand it's 'Main Street Hardy', it's how the city advertises itself. He stated the city has to be mindful of the buildings. He related his experience with the City of Pocahontas redoing the square and his office was on the square, he was pumping water out of his basement because there was a big dirt hole that they hadn't filled. The city needs to be mindful of what they're doing so it doesn't impact the private owner. Taylor tried to ask if the city is liable for accidents. She asked where things belong to the city... Grider said it doesn't belong to the city. He then read from Municipal Code 9.08 and said it doesn't suggest the private owner has responsibility for the sidewalks. They have the right to use it. He said the city could pass an ordinance requiring a permit to get an awning approved. Taylor tried again to ask about the city's liability. Gordon said previous councils have discussed the sidewalks, and when talking about accessibility they cannot build ramps. Grider countered that there are ways to do it and that's why the city needs to hire an engineer to plan it. Grider answered Taylor's liability question stating there is no liability because the city has tort immunity, but, giving an example, if Mr. Munroe put an extension cord across the sidewalk for a fan and someone tripped, then he would be liable. He said the city could be responsible if they did not build it up to ADA Compliant code. Councilwoman Smith said that several years ago, the city brought in an independent architect just for that purpose. They found they couldn't do more of a handicap sidewalk, because there wasn't the ability to do that. Wise asked about who polices what goes on with the sidewalks i.e., a code officer. Smith said that former Mayor Ernie Rose came down to her business to see if her tables and chairs are set up correctly. She said he looked down the street and then said 'ok, I'm done', because there are people that had more stuff out on the street than she did. She stated 36 inches between anything is needed and she has 42 inches of space. Wise asked if this could be discussed in a working meeting. Mayor Barnes agreed and said this is the purpose of Mr. Munroe being on the agenda today is to make his point that these are things that need to be discussed and worked on. Wise yielded his time to Amanda Garland who asked if the city really needs to hire an engineer to tell you how to pour concrete into a crack. Grider said with the way the ADA is, yes. The council tried to agree on a date for a working meeting. November 7th was proposed, but Councilman Berry and Councilwoman Allen needed to check their calendars.

#### ADJOURN

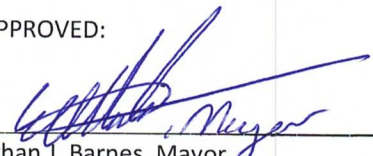
Mayor Barnes called for a motion to adjourn. Councilman Gordon made the motion and Councilwoman Smith seconded the motion. All in favor, motion passed. Barnes declared the meeting adjourned at 7:55 p.m.

The next regular meeting of the Hardy City Council is scheduled for Monday, November 13 at 6:00 p.m. at Hardy City Hall, 124 Woodland Hills Road in Hardy, Arkansas.

Respectfully submitted,  
Mitchell Sparks, Recorder-Treasurer

PASSED AND APPROVED THIS 13 DAY OF NOVEMBER, 2023

APPROVED:

  
Ethan J. Barnes, Mayor

ATTEST:

  
Mitchell Sparks, Recorder-Treasurer