

**HARDY Advertising and Promotions Commission**  
**P.O. Box 1005 HARDY, AR 72542**  
**Special Meeting Minutes**  
**June 27, 2023**

Chairman Moore called the meeting to order and led the Pledge of Allegiance.

Commissioners present: Tracie Moore, Ginni Kauffman, Sue Taylor, Amanda Smith, Phil Horrell, and Vicki Strickland. Commissioner Laura Smith was absent. There was a quorum.

Audience members: Greg Bess, Nimmi Desai, Elaine Browne (Reporter) and Chuck Jones.

**Business**

**Format adopted for HAPC Meeting Minutes-** Commissioner Amanda Smith made a motion for minutes to reflect the format from 2.27.23 approved minutes. Commissioner Taylor seconded. All in favor, motion passed.

**Solar Eclipse Regional Branding-** Commissioner Amanda Smith made a motion to use \$5,000.00 from Regional Event line item to partner with Cherokee Village for Regional Eclipse Branding. Commissioner Kauffman seconded. Roll call vote taken and motion passed unanimously.

**Adjourn-** Commissioner Horrell made a motion to adjourn. Commissioner Taylor seconded. Meeting adjourned.

**Minutes prepared and submitted by:**

  
\_\_\_\_\_  
Commissioner Ginni Kauffman, Commission Secretary

PASSED AND APPROVED THIS 22 DAY OF May, 2023

  
\_\_\_\_\_  
Commissioner Tracie Moore, Commission Chairman

**+Hardy Advertising and Promotions Commission**  
**P.O. Box 1005 Hardy, AR 72542**  
**Regular Meeting Minutes**  
**Thursday, June 22, 2023**

Chairman Moore called the meeting to order and led the Pledge of Allegiance. Commissioners present: Tracie Moore, Amanda Smith, Laura Smith, Vicki Strickland, Phillip Horrell, Sue Taylor, and Ginni Kauffman. There was a quorum.

Commissioner Laura Smith made a motion, seconded by Commissioner Horrell, to table the approval of the Minutes from 5.22.23 Regular Meeting and 6.6.23 Special Meeting until a Special Meeting on 6.27.23 at 7pm at Civic Center. Commission will vote on what format Commission Secretary Kauffman will use to prepare minutes since no format has been outlined since the date her term started in May 2022.

### **Financial Report**

Commissioner Strickland gave the Financial Report. Commissioner Strickland reported that the check for the payoff of the parking lot property cleared in April, but was taken out of the Operating Account and not the Reserve Account.

Operating Account Balance is \$44,280.61.

Reserve Account Balance is \$51,222.90.

The Agenda was amended and approved.

### **Old Business**

Carl Acuff, Jr.- Commissioner Amanda Smith made a motion to amend the advanced purchase ticket price to \$20, at the door- \$25, and groups of 10 or more- \$15ea. Commissioner Laura Smith seconded. All in favor. Motion passed.

Commissioner Horrell made a motion to allow a nonprofit to sell concessions at the Carl Acuff, Jr. concert. Commissioner Strickland seconded. All in favor. Motion passed.

Laura Smith, as President of the Lions Club, expressed interest in the Lions Club doing concessions.

Ticket Production Prices- Commissioner Laura Smith made a motion to take \$300 out of line item 7315 for printing tickets and flyers. Roll call vote was taken and motion passed unanimously.



Banner for Civic Center Bidg.- Commissioner Amanda Smith made a motion (seconded by Commissioner Taylor) to spend \$245 from line item 7530 to have Expressions Graphics print two 5'x5' banners to put at the Civic Center to promote the Carl Acuff, Jr. Concert. Roll call vote taken. All voted yes, except Commissioner Laura Smith who voted no. Motion passed.

### **New Business Updates**

Accepting Credit Cards- Commissioner Amanda Smith made a motion to accept credit cards and pass fees on to purchaser for Civic Center rental and concert ticket prices. Commissioner Kauffman seconded. Roll call vote taken. All in favor and motion passed unanimously.

Approval of Revised A&P Tax Form- Commissioner Laura Smith made a motion to approve the new A&P Tax Form. Commissioner Horrell seconded. All in favor. Motion passed.

Payment of Printing Bill From City for Music on Main Flyers and copies made for A&P Meeting- Commissioner Horrell made a motion to pay the City of Hardy \$23 for the cost of printing flyers for Music on Main and copies for A&P meeting. Commissioner Strickland seconded. Roll call vote was taken and motion passed unanimously.

Planters for Water Pump on Main St.- Tabled until next regular meeting.

Civic Center Bathrooms- Commissioner Horrell made a motion to pay \$137.50 to Trident Plumbing for temporarily fixing the urinal at the Civic Center. Commissioner Strickland seconded. Roll call vote was taken and motion passed unanimously.

Commissioner Horrell made a motion to move \$2000 from line item 7514 (Promotional Purchases) to line item 7601 Repair and Maintenance for the purchase and installation of ADA compliant toilets and a urinal for Civic Center bathrooms. Commissioner Laura Smith seconded. Roll call vote was taken and motion passed unanimously.

Square Membership- Commissioner Horrell made a motion to get a Square Membership. Commissioner Laura Smith seconded.

Opportunity to partner with Springfield Stations KOLR 10 and Fox 49- Commissioner Horrell made a motion to take \$900.00 out of line item 7511 (Magazine expense) and create a new line item 7610 (TV). Commissioner Laura Smith seconded. Voice vote taken. All in favor. Motion passed.



Amanda Smith made a motion to spend \$850.00 for advertising opportunity in conjunction with Ozark Gateway from line item 7610 (2024 budget) to partner with Springfield Stations KOLR 10 and Fox 49. Commissioner Strickland seconded. Roll Call vote was taken and motion passed unanimously.

Subscription for Canva- Commissioner Amanda Smith made a motion to spend \$149.00 for a Team Membership with Canva annually from Digital line item. Commissioner Strickland seconded. Roll call vote taken and motion passed unanimously.

Large Map for Eclipse, Ozark Foothills Partnership, Create Bridges Grant, and Ozark Gateway- Tabled until next regular meeting.

### **Updates**

Music On Main- Commissioner Kauffman reported that Music On Main is going great, well attended, and positive response on evening shows instead of afternoon shows.

Carl Acuff, Jr. Concert- Chairman Moore reported that Elaine Brown and James Bragg will do. An interview with Carl Acuff, Jr.

July Civic Center Rental Calendar- Chairman Moore reported that there should be about \$500.00 coming in in July from Civic Center rentals.

Greg. Bess to serve as Parliamentarian- Chairman Moore announced that Greg Bess would be acting in a parliamentary role to help Chairman Moore conduct the meetings according to Robert's Rules for the next 2 months and as often as his schedule allows.

Website- Tabled

Hardy Hot Dogs/Rental Agreement- Billy Davidson asked the A&P to reconsider the rental fee of \$50 for concessions to no charge due to the fact that it is not profitable- Tabled until next meeting.

Comm. Horrell made a motion to allow Billy Davidson to use concession area free of charge for Thurs. night dances until formal decision is made. Comm. Laura Smith seconded. Voice vote taken. Motion passed.

### **General. A&P**

Nimmi Desai handed out a 3 page report addressing a number of issues including tax collections A&P and Civic Center assets, maintenance of Civic Center, Hardy History Fance, Purchases and expenses (3 bids required), Civic Center rental decisions including Chuck Young Band, Gun and Knife Show, Financials, and Attorney communication. (See attachment)



Next Regular Meeting scheduled for July 18, 2023 at 4:00pm at the Civic Center.

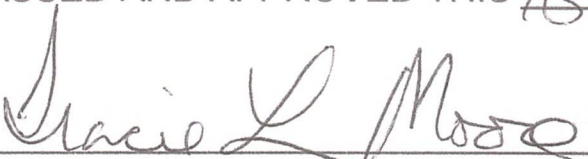
## Adjourn

Commissioner Laura Smith made a motion to adjourn. Commissioner Kauffman seconded. Meeting adjourned.

## Minutes prepared and submitted by:

  
\_\_\_\_\_  
Commissioner Ginni Kauffman, A&P Secretary

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF July, 2023.

  
\_\_\_\_\_  
Commissioner Tracie Moore, A&P Chairman

## **HARDY A & P COMMISSION**

**June 22, 2023**

### **2019**

- **Tax collections, deposits taken over by City – deposited in A & P checking account**
- **Civic Center Rentals handed over to City for reservations, collections and deposits. Sometimes in 2020 Rentals collections were deposited in the City's General Fund account without the knowledge of the Commission**
- **Trailer Restrooms sold (paid for by the Commission) – proposal presented by the Former Mayor**
- **Furniture donated by Simmons Bank to the Commission sold at an auction by the City – not sure if the proceeds was deposited in the Commission's checking account**

**(It needs to be noted that the Commission is not receiving the details of collections of the A & P taxes, Civic Center Rentals, use of concession and collection of A & P taxes derived from food sales, delinquent accounts, collection plans. Any collections payment plans allowed to the delinquent accounts has not been shared with the Commission)**

### **2020**

- **40 Chairs relocated to Senior Citizen Center by request of Former Mayor. These chairs were purchased for Civic Center from Grant funds**

### **2021**

- **Pocket Park Quitclaim Deed submitted so King Estate was able to donate this Lot to the City of Hardy**

### **2022**

- **Tram payment for almost \$1500.00 even though the project was cancelled around 2017. Former Mayor instructed the Commission to pay. Payment was made to clear the table!**



- **Hardy History Fence (Pocket Park) removed. Did the Commission physically check what the issue was with the Fence when the Former Mayor informed the Commission?**
- **Commission voted to charge for the whole building for \$200.00 if the concession area is wanted. Currently, the Commission has no information about the concession being used**

## **2023**

- **Commission voted to Ratify the Quitclaim Deed (Pocket Park) signed in 2021 to legalize the Quitclaim Deed (Title Search prepared by Nimmi Desai). Commission didn't want to handle this Money Pit!**

## **PURCHASES/EXPENSES**

- **3 bids are required for unbudgeted expenses. Why can the Commission not ask questions about the job if the City takes care of it? The Commission should take responsibility with the details regarding in any job. It is NOT inappropriate to ask for details!**

## **CIVIC CENTER RENTAL DECISIONS**

- **BAND (DENNIS HORTON/CHUCK YOUNG)**  
**March 2021 – Was rent charged for Thursday Music? Minutes shows that the band charged \$6.00 admission from which \$2.00 was to be paid to the Commission. Did the Commission receive these proceeds?**
- **April 2022 – Rental at \$150.00 per show**
- **April 2023 – Mayor presented Proposal for \$0.00 Rental on behalf of the Band. Why did the Band not approach the Commission? Commission voted to rent at \$100.00 per show**  
**(Commission were not aware that the Band was using the concession or if A & P taxes were paid for food sold. At a different meeting with the Mayor, he informed me that he learned that the Commission knew about the use of the concession)**
- **GUN & KNIFE SHOW**  
**Oct 2022 - \$500.00 approved for advertising the November 2022 event**  
**Feb 2023 - \$500.00 approved for advertising and \$125.00 for Cherry Road Media for the March 2023 event – Total \$625.00**

**(On reconciling the 2023 Civic Center Rentals there seems to be no payment from the Gun & Knife Show for the March 2023 event)**

### **FINANCIALS**

**March 2022 – Motion to have City continue doing the Bookkeeping & provide the Commission with the Financial Reports to help Commission do business. Commission has not been receiving their Profit & Loss and Balance Sheets as they should.**

**The Commission's financials is being recorded in the City's accounts as a Line Item. This was without the knowledge of the Commission.**

**Commission doesn't seem to have an updated budget either, which disables them from making financial decisions.**

### **ATTORNEY**

**Chairperson Moore announced at the last Special Meeting held on June 6<sup>th</sup>, 2023 that the Chairperson and Vice-Chair will be the Officers who can communicate with the Commission's Attorney.**

**At the April 22<sup>nd</sup>, 2019 Regular A & P Meeting Commissioner Thorow made a motion that all contact with the Attorney go through chair with approval of Commission body.**

**Chairperson Moore urged the Commission to work in partnership and interact with the City. With all the above information is there any doubt that the Commission has NOT been doing so?**

Secretary Kauffman - please attach a copy of this presentation to the 22<sup>nd</sup> June, 2023 Hardy A & P Meeting Minutes that you provide to each of the A & P Commissioners, Mayor Ethan Barnes, the Minutes filed at Hardy City Hall, the official A & P Secretary minutes, as well as any others who may receive these Minutes.



Nimmi Desai



# Hardy Mayor, A&P Commissioners clash despite city improvements

ELANE BROWN  
REPORTER

ebrown@cherryroad.com

When I first started working as a reporter for Area-wide Media in 2021, we were at the very beginning of a new year. We were just starting to come out of a ghastly pandemic, vaccines were being distributed to health workers, first responders and the elderly. We had a new U.S. President, everyone was wearing masks and afraid to get too close to each other and just some children were returning to school and people to work. Looking back, it was a very strange time.

One of my first ideas as a reporter was what became a brief series I called "People Speak." I hit the streets and asked people, masks and all, what they thought about what was happening and how they felt about

the recent past and what they hoped for the future. As you can imagine, I had no difficulty finding people who wanted to voice their thoughts and opinions on multiple subjects.

One young man I ran into worked at Walmart as a salesman in Ash Flat. He had recently moved from rural Kentucky and was enjoying living in Ash Flat, but he could not contain himself and with a big grin spouted out "...because it's close to Hardy. I love Hardy, it's super nice. I wish they would get a whole bunch of money toward that town or something just so they could just really make it awesome...it's got so much crazy potential down there!"

For the record, I had not told the gentleman that he was speaking about the city where I lived and it made me proud to hear him say those words. I shared his enthusiastic words with Hardy A&P Chairman at the time

Charles Wilson, as well as the Hardy City Council and Mayor Ernie Rose.

The key word that young man used was "potential," suggesting Hardy had not yet reached its full potential. Of course, Hardy has always offered a rich history and an alluring quaintness, many people come in just to visit the shops. The adjacent Spring River has certainly brought in a huge following over the years of fishermen, families and tourists from all over. But maybe Hardy's full potential as a tourist destination still awaits.

For those who are not familiar with what an advertising and promotions commission (A&P) does, the details may vary from city to city but in general, the role of the Hardy A&P is to bring in more tourism to the city. It advertises and promotes local businesses such as motels, restaurants and other amenities like the Spring River, parks and recreation-

al events. The A&P's tourism goals should be in line with the city's, two of the A&P commissioners are also city council members and all commissioners must be approved by city council and sworn in by the mayor.

The Hardy A&P interacts with and reports to the city council, yet works independently by maintaining its own bank accounts with revenue and expenses separate from the city's. It is a self-governing entity that makes its own decisions based on a majority vote among the six A&P commissioners, with a tie vote broken by the chairman.

You may have noticed there have been some changes going on in Hardy lately, in its appearance and activities. Many of these changes were sprouted by ideas coming from the Hardy A&P under the leadership of Chairman Tracie Moore, who has been an A&P Commissioner for many years

and was elected chairman beginning the year 2022.

Under Tracie Moore's guidance, 2022 Commissioners Mark Huscher, Amanda Smith, Sue Taylor, Phillip Horrell, Amanda Garland and Ginni Kauffman shared ideas which ran abundant at their monthly meetings that lasted for hours.

I used to attend the A&P meetings regularly until Spring 2022 when they started lasting too long for me to cover. Commissioner Garland told me after one of those four-hour meetings that it was worth it. "We got so much accomplished!" she exclaimed to me with bright eyes. "In fact, we're going to start meeting twice a month!"

In talking with the other commissioners, that was their general enthusiastic consensus in 2022: They were accomplishing a lot, brainstorming at their meetings with new ideas continu-

ously flowing.

Some of those ideas included holding summer street music during the evenings rather than the daytime to avoid the heat, an exciting idea for bringing more evening events to Hardy. In fact, starting this past Memorial Day weekend, live music will be held every Saturday night through the summer from 7 to 9 p.m. at Dr. Thompson's Park.

"It's like letting the folks know we're not rolling up the sidewalks [after dark]," A&P Chairman Moore said.

Along that same vein sprouted the Friday night Movies in the Park idea, which are now held the first Friday of each month at dark in Loberg Park at the main gazebo.

Other benefits that came out of the 2022 A&P meetings include grant money

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from Create Bridges shared with the Cherokee Village A&P, the banners and sidewalk flowers decorating Main Street, as well as a Christmas Tree with programmable lights and music to be debuted for Christmas, 2023 in Loberg Park. New ideas for a big Fourth of July celebration in Loberg were just sprouting in 2022 and are likely on hold until 2024.

Since 2022, Commissioners Füscher and Garland left the A&P and Laura Smith and Vicki Strickland joined the commission. The A&P continues to thrive in 2023 with new ideas and activities.

Also in 2023, newly elected official Ethan Barnes joined the City of Hardy as mayor and shared in the spirit of the A&P. He began preparing Hardy for the 2024 solar eclipse and an influx of tourists by launching his "Keep Hardy Beautiful" campaign to spruce up the streets and clean up around the city.

In addition, to maintain that "Mayberry" hometown feel in Hardy, the mayor encouraged city council to purchase a \$5,000, 1959 Ford Edsel police patrol car for display at events and for Chief Scott Rose to patrol the streets on the weekends.

At the recent monthly meeting of the Hardy A&P on Monday, May 22, Chairman Moore called the meeting to order with Commissioners Phillip Horrell, Sue Taylor, Vicki Strickland, Ginni Kauffman, Laura Smith and Amanda Smith present. In the audience were Mayor Barnes and his wife Nadja, Village Inn owner Nimmi Desai and myself.

Financial Secretary Vicki Strickland reported as of

property." The motion was seconded by Strickland.

On an initial roll-call vote, all voted "yes" with one "no" from Amanda Smith and Kauffman abstaining. The mayor stated Kauffman could not abstain unless she was directly affected by the vote.

"You're not financially impacted by that. You can't abstain," said Barnes. Because of his statement, Kauffman changed her vote to "yes" on the "assurance we can all work together on this," she added, to which the other commissioners agreed.

"I will do my best to work with ya'll, if ya'll will be transparent with me," said the mayor as he looked at Kauffman, "not lying to my face."

Kauffman replied, "I'm not lying to your face," to which Barnes said curtly, "Not right now you're not."

Kauffman asked, "When did I lie to your face?"

Barnes said, "You want to do this right here? I think we should do this later."

Kauffman said, "Okay," and Moore quickly agreed, moving the meeting along. The motion passed and the ratification of Pocket Park was approved. As of press time for this article, Kauffman still did not know what Mayor Barnes was talking about.

Also on the agenda was replacement water fountains for the civic center. The city had already replaced one for \$849, for which a motion was made to reimburse the city. Amanda Smith asked whether the old fountain had been checked out by a plumber.

Mayor Barnes said everything had been gutted from

the old machine. "It could not be repaired so I found the cheapest one to replace it. The machine was old. It had to be replaced," he stated.

Smith further questioned what he meant by "guttled," to which he replied, "You couldn't get parts for it; I tried to fix it." It was going to take as much money to get new parts and repair it than just put in a new one. "Ya'll have had it broken since January. I'm not fixin' to have somebody come in here and not have water," he added.

The discussion between Smith and Barnes escalated. The mayor referred to something about the previous month's meeting and Smith told him, "That's not appropriate." The mayor retorted, "Yes, it is."

Smith responded, "I don't believe you can talk to us that way at this table," and Barnes said, "Oh, I think I can."

Smith retorted, "You need to check yourself. That's not OK."

With the discussion volume rising, Chairman Moore jumped in, "Let's move on."

Smith asked Mayor Barnes, "Are you threatening me? I think you are."

The mayor's wife then jumped in, telling Smith she needed to turn around and stop.

Mayor Barnes emphatically said, "Stop! Unless you want out of this commission, Stop! I will have you removed. Stop!"

"How are you going to have me removed?" asked Smith. "In a heartbeat," said the mayor, adding "Do your job."

"I have been doing my

something...like I used to be member as a kid."

Perhaps A&P Commissioner Kauffman summed it up best when she said, "It's important we begin to build trust with each other, the city and the A&P...there needs to be transparency. We need to know what you guys are thinking and ya'll need to know what we're thinking. We all want the same thing, we all want great things for Hardy."

Kind of brings back the sparkly eyed notions of the enthusiastic young man at Walmart mentioned at the beginning of this article, doesn't it? Hardy's "got so much crazy potential down there!"

Note: Commissioner Amanda Smith has tried posting on the A&P Facebook page since the May 22 meeting, only to find she was blocked from making any further posts by the mayor. When I asked Mayor Barnes about this, he said, "No comment."

This and other issues discussed at the meeting will be further clarified at a special A&P meeting held on Tuesday, June 6 at 3:30 p.m. at the civic center, with Mayor Barnes attending. This meeting is subsequent to press time for this article.

The Hardy A&P has a new meeting day and time: the third Tuesday of every month at 4 p.m. at the Hardy Civic Center. The next regular A&P meeting is Tuesday, June 20 at 4 p.m. Hardy A&P meetings are open to the public.

job," Smith said. Going back to the water fountain, she stated she was trying to find out if the fountain was already old when it was installed. The mayor said he would gladly dig it out of the dumpster to check the date. With further comments from the commission, Smith excused herself from the meeting with the mayor alone clapping loudly.

Chairman Moore continued with the meeting, the motion was seconded and the commission unanimously voted to reimburse the city \$849 for the new water fountain in the civic center.

The meeting continued with only part of the agenda able to be addressed since Commissioner Smith had left. Items of note, the contract with the Chuck Young Band was renewed and the Thursday night dances will continue. The commission agreed to part of what Mayor Barnes had proposed and "will rent the civic center to the band at a reduced rate of \$100 per night."

The Carl Acuff, Jr. concert will be held on Saturday, July 15 at the Hardy Civic Center starting at 7 p.m. Tickets will be available online. Admission will be \$25 at the door. \$18 in advance. Groups of 10 or more, \$15 per ticket.

At one point in the meeting Commissioner Horrell stated, "We have got very... wonderful minds here of creativity...[The mayor has] got marketing...[Amanda Smith] does computers from extraordinary things that I've never seen before." Indicating all of the commissioners, Horrell added "This could be a helluva team that would work and make Hardy



**Hardy Advertising and Promotions Commission**  
**P.O. Box 1005 Hardy, AR 72542**  
**Special Meeting Minutes**  
**Tuesday, June 6, 2023**

Chairman Moore called the meeting to order and led the Pledge of Allegiance. Commissioners present: Tracie Moore, Phillip Horrell, Vicki Strickland, Ginni Kauffman, Amanda Smith, and Laura Smith. There was a quorum.

**Statement By The Chair**

Chairman Moore addressed the commissioners and the audience by stating that she had been reflecting on herself as a leader. She apologized for weak leadership in the past and committed to being a stronger, more visible and more available on the commission, in the city and the community. She said that lines of communication was her weakest link and brought attention to our Bylaws and the State Act of the A&P regarding communication. "The Chairman and Secretary shall sign all approved minutes and shall be authorized to execute documents on behalf of the Commission. Any Commissioner may sign documents on behalf of the Commission when such action is approved by a majority of the Commission." The Commission will begin working in **Subcommittees**- each subcommittee will have its own working meetings which shall be advertised, no votes taken, and information brought back to the Commission to be voted on.

**Lawyer Communication**- Commission as a whole must vote to contact the lawyer because spending money requires a vote.

The Chair will be the one to speak to lawyer.

**Media Announcements**- must be proofread by the Chair before publication.

**Communication**- All correspondence going out from and representing the A&P must be proofread and approved by the Chair, preferably on A&P stationery with all of the commissioners names on it.

**Mission Statement**- Chairman Moore brought special attention to the 2nd paragraph that states that "The Commission, through progressive and



credible, efficient and responsive actions, will strive to interact and work in partnership with the Hardy City Council to provide, maintain and improve Hardy's image as a memorable destination by retaining and showcasing its small town atmosphere and unique character".

Commissioner Amanda Smith asked about the 4th paragraph in the Mission Statement that states, "The Commission will maintain the decorum of every meeting and will not allow and unprofessional or disrespectful behavior at meetings." Chairman Moore will print off a Code of Conduct from the Municipal League and all commissioners, City Council and the Mayor will have to sign it.

**Meeting Date Change-** Next Regular Meeting will be Thursday, June 22, 2023 at the Johnson Center.

### **Commissioner's Comments**

Comm. Amanda Smith asked for clarification on Chairman Moore's highlight in the Mission Statement referring to "working in partnership" with the City. Chairman Moore explained that she would like to see more communication and collaboration between the A&P and the City.

### **Public Comments**

Audience member Will Kauffman voiced a concern about the City not respecting the boundaries and independence of the A&P, and also addressed the Mayor's disallowance of Commissioner Kauffman right to abstain in the Pocket Park vote on May 22, 2023.


Audience member Jeff Monroe challenged Mayor Barnes to trust the A&P Commission to do their job and to not micromanage them. Audience member, City Councilman Tony Berry agreed that the A&P does not need to be micromanaged and encouraged us to work as "we". Audience member, Nimmi Desai, addressed the incident that happened between Mayor Barnes and Commissioner Amanda Smith. Ms. Desai stated that she has met personally with Mayor Barnes to discuss his behavior at the May 22nd meeting and to encourage him to meet with those involved, but with the regulations with meetings having to be public, Mayor Barnes has not moved forward with that yet. Chairman Moore suggested amending the




Bylaws to make allowance for such meetings. Mayor Barnes apologized to Commissioner Amanda Smith for his actions in the May 22nd meeting and commended her for the work she continued to do even after the May 22nd meeting. (See Attachment)

**Adjourn-** Commissioner Horrell made a motion to adjourn and Commissioner Laura Smith seconded. All in favor. Meeting adjourned.

**Minutes Prepared and Submitted By:**

  
\_\_\_\_\_  
Commissioner Ginni Kauffman, A&P Secretary

PASSED AND APPROVED THIS 24 DAY OF June, 2023

  
\_\_\_\_\_  
Commissioner Tracie Moore, A&P Chairman



# City of Hardy and A&P Commissioners air concerns; clear up miscommunications

ELAIN BROWN  
REPORTER

ebrown@cherryroad.com

The Hardy Advertising and Promotions Commission (A&P) held a special meeting on Tuesday, June 6 at 3:30 p.m. at the civic center. Chairman Tracie Moore called the meeting to order with Commissioners Amanda Smith, Vicki Strickland, Phillip Horrell, Laura Smith and Ginni Kauffman present. In the audience were Hardy Mayor Ethan Barnes, Recorder/Treasurer Darlene Wilson, Councilmen Tony Berry and Junior Wise, former Councilman and A&P

Chairman Jeff Munroe, former A&P Commissioner Amanda Garland, Village Inn owner Nimmi Desai, Stonehouse Inn owner Will Kauffman and myself.

Moore started the meeting with some self-reflection on her leadership as A&P chairman. She apologized to the commissioners stating she could have been a better leader. "Going forward from this moment on, I plan to take a...stronger position...to be more visible, more available for everyone involved, the commissioners, the City of Hardy and my 'constituents' [that is, the business owners]," Moore

said. She felt the weakest link came down to lines of miscommunications.

Moore had researched the Arkansas laws on A&P commissions. She referred to the Hardy A&P Bylaws, a copy of which was given to everyone in the room. Moore stated she would like for the commissioners to form subcommittees to focus on different projects or areas that require attention. "The subcommittees will have their own working meetings," Moore said. "It will be advertised publicly, no votes are taken. Anything you discuss will come back to the commission to be voted on." She ex-

plained this should make the monthly commission meetings run more efficiently.

Moore also said communications with lawyers will be done on a vote by the commission as a whole rather than one or two commissioners acting on their own. She explained the main reason for this is it does cost money and the A&P does not currently have a line item for legal fees in their budget. Also, whoever is chairman should be the person who directly speaks with any lawyer. This was voted on by a previous Hardy A&P Commission and is in the minutes, said Moore.

In addition, Moore stated any advertisements, notifications and publicity that reflects the City of Hardy will be proofread by the chairman prior to it going public. Any letters of A&P communications also need to be proofread by the chair person.

Moore read the mission statement created by council members at city hall when they were setting up the first Hardy A&P Commission. A copy of this was also given to everyone at the meeting.

After reading the statement in its entirety, Moore re-emphasized one particular section, "The Commis-

sion...will strive to interact and work in partnership with the Hardy City Council to provide, maintain and improve Hardy's image as a memorable tourist destination by retaining and showcasing its small town atmosphere and unique character." Moore expressed that she wanted her own leadership as chair of the A&P to reflect these goals.

Moore then opened the floor up for comments or questions from the commissioners and the audience. Commissioner Amanda

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## Great weather, awesome Cherokee Village SID cars: Spring River Car prepares for another

show did not disappoint!



rabbits and horses is July 10. Any livestock entries received after July 10 will be assessed a \$10 additional entry fee. Livestock exhibitors who are not entered by July 17 will be assessed double

Fair Queens are required to be present for interviews at 3:30 p.m. on Saturday afternoon.

All Creative Arts exhibits will check in on Monday, July 17 from 1 to 5 p.m. Creative Arts exhibitors who do not have access to a computer

when exhibits are checked in on Monday. Judging will be Tuesday and the exhibit building will be closed to the public.

The Fair Horse Show will be held on July 18 at 6 p.m. in the arena. Horses will not be allowed on the fairgrounds

bits will check-in from 4 to 6 p.m. Poultry testing will be held at the Pavilion on Civic Center Road prior to bringing the birds on the fairgrounds. Livestock cannot be unloaded until the Livestock and Poultry Inspector checks health papers. Judg-

Fulton County Fair website at [www.fultoncountyfair.org](http://www.fultoncountyfair.org). For help on fair entries or information on the 104th Fulton County Fair, contact the Fulton County Fair Office at 870-895-5565 or email [fultoncountyfair@gmail.com](mailto:fultoncountyfair@gmail.com).

# City of Hardy and A&P Commissioners

...Continued from Page 1

Smith asked how Chairman Moore envisioned the commissioners interacting with the city council. Moore stated the A&P is in partnership with the City of Hardy and commissioners should try to work hand-in-hand with both the council and the mayor too. The council has representative members on the A&P and the A&P reports to council at the monthly council meetings.

"We are in a very unique position; we have very talented people on this commission," Moore stated. "We also have that same talent at city hall with Mayor Barnes because that is what he studied in school." She added it was a win-win situation.

Smith also asked about the procedures to be used when meetings get out of hand. Part of the Mission Statement read, "The Commission will maintain the decorum of every meeting and will not allow any unprofessional or disrespectful behavior at meetings."

Moore said she had a

"Code of Conduct" statement from the Municipal League that she will get all the commissioners to sign as well as city hall members who attend the meetings, including the mayor.

Discussion followed regarding the wording of "working with" the city, rather than "answering to" the city. The commissioners generally felt working with the city was a positive approach, but not having to "answer to" city hall.

Commissioner Horrell stated, "If what we do looks good, makes the city look good, which in turn makes the administration look good...as long as Hardy is the benefit factor of it."

Will Kauffman in the audience emphasized the A&P needs to stay independent. He brought up the discussion at the previous A&P meeting on the ratification of Pocket Part when his wife Commissioner Kauffman abstained from voting on that. Mayor Barnes had told her she could not abstain

because it did not affect her personally.

Will Kauffman said, "She was not allowed to [abstain] which is against protocol. You got problems. You want to work well. The city has to respect the boundaries."

Moore spoke up, saying she and the mayor had sat down the day after that meeting. "He apologized to me," she explained. Kauffman was not satisfied because Mayor Barnes had accused his wife of lying, slandering Commissioner Ginni Kauffman's name, according to Will Kauffman. The mayor spoke up, saying it needed to be aired out in the room.

There had been some confusion when the KATV reporter and camera crew for "Good Morning Arkansas" were in Hardy to do an interview at the Stonehouse Inn. Apparently Commissioner Kauffman had been unaware of when she was going to be interviewed, and Mayor Barnes thought she knew about it at the planning

meeting the night before. Commissioner Kauffman stated she had thought the interview was going to happen when they were driving around Hardy.

Commissioner Amanda Smith said it really came down to some miscommunications between KATV, the mayor and A&P commissioners. Mayor Barnes complimented Kauffman, "I think you did a great job in your interview...I just would like to have been informed." He also apologized to Commissioner Kauffman. "I'm sorry for accusing you of lying. I just wished I would have known the night before that that was part of the schedule."

The other issue that escalated at the previous A&P meeting were tensions between Mayor Barnes and Commissioner Amanda Smith, when the mayor threatened to kick her out of the meeting during a conversation about a water fountain that was replaced at the civic center. Smith did

get up and walk out of the meeting, telling Chairman Moore she could expect her letter of resignation from the A&P.

Chairman Moore blamed herself for letting the meeting get out of hand. She said she had been reflecting for the past three or four months and is going to change her style of handling the A&P meetings, bringing in more structure.

Smith asked, "The question I asked in that meeting before I left was are ya'll going to allow...someone in the audience to...be aggressive towards me, and it felt like an attack, and allow them to run our meeting?"

Moore answered "No... and I'll take this moment to apologize to you myself."

Mayor Barnes added, "Commissioner Smith, I am sorry for my actions to you... You and I work well together...I think we can move forward and I'll take that step and I apologize for my actions to you."

As the A&P Commission-

ers talked about how well Memorial Day weekend had gone, Hardy looked good and the Kauffman's let the band Natural Disaster stay at the Stonehouse Inn for free. Also, Commissioners Amanda Smith and Kauffman had entertained the KATV crew, fed and entertained them out of their own pockets. It is clear they will continue to move forward, working with Mayor Barnes and city hall to keep Hardy moving in a positive direction.

Please note: a temporary change of date, time and venue is scheduled for the June Hardy A&P meeting. Chairman Moore had to reschedule the meeting due to a family medical reason. The next meeting of the Hardy A&P will be on Thursday, June 22 at 4 p.m. at the Johnson Center in Hardy. Otherwise, the Hardy A&P normally meets the fourth Monday of every month at 6 p.m. at the civic center.





## Hardy Advertising and Promotions Commission

P.O. Box 1005 Hardy, AR 72542

### Regular Meeting Minutes

Monday, May 22, 2023

### DRAFT FOR APPROVAL

Chairman Moore called the meeting to order and led the Pledge of Allegiance.

Commissioners present: Horrell, Kauffman, Moore, A. Smith, L. Smith, Strickland, Taylor.

There was a quorum.

Minutes from the regular meeting April 24, 2023 were presented.

Minutes were approved.

### **Financial Report**

Financial Secretary Vicki Strickland gave the financial report.

Balance of Operating Acct- \$39,839.76 Balance of Capital Reserve Acct- \$51,188.99

There was a request for a column to be added for a description of checks written on the bank Register Report so that that information is there at a glance.

Mayor Barnes negotiated and locked in an interest rate of 3.15% for the City and the A&P accounts. Previous rate was 0.78%. Mayor Barnes said that the interest rate increase should net the A&P accounts \$6,000 in interest over 12 months.

Financial Secretary Vicki Strickland reported that there would be a new procedure for tax collections. The city hall staff would still process payments, but they would give the tax forms and payment amount to the financial secretary to review and ensure they were being calculated correctly and paid properly. The financial secretary and Mayor would follow up with businesses if they became delinquent or if there was a discrepancy.

Comm. Amanda Smith asked if letters would be sent out; letters have been a part of the collection procedure in the past. Financial secretary responded that no letters would be sent out.

### **Agenda Review/ Amended**

A motion was made by Comm. Laura Smith and seconded by Horrell to amend the agenda to table **Planters for Water Pump on Main St.** until June and add **Business Directories** in its place - Motion PASSED.

A motion was made by Comm. Laura Smith and seconded by Comm. Kauffman to add **Zoom Call With A&P Lawyer** to the agenda - Motion PASSED.

Comm. Laura Smith made a motion to add **Arkie Travels and Voyage** to the working meeting - Motion PASSED.



## **OLD BUSINESS:**

### **Ratification of Pocket Park (Inst# 220008) Ownership**

Comm. Horrell read a pre-written motion which states:

***"I make a motion to the commissioners to ratify for all purposes the conveyance memorialized in Sharp County instrument # 220008.*** (Awaiting email from Attorney John Baker's wording of the motion for attachment) Comm. Strickland seconded the motion. We discussed the three options that the A&P attorney John Baker gave us: 1) Do nothing, 2) Work with the City to secure a return of the property to the Commission and, if such efforts fail, file a lawsuit against the City of Hardy and ask the Circuit Court to declare that the Commission, not the City, is the owner of Lot 2, on a theory that the quitclaim deed signed by Munroe and Huscher was not authorized by the Commission, 3) The Commission favorably passes a motion or a resolution "ratifying" (e.g., confirming) the quitclaim deed signed by Munroe and Huscher. (See Attachment #2)

Business owner, Nimmi Desai, prepared an extensive title search on the Pocket Park property and put together a 5 page document along with all documents from the County Clerk's office and gave them to all of the commissioners. (See Attachment #3)

After some heated discussion, Mayor Barnes shared his vision for the Pocket Park with the Commission. A member of the audience suggested that a committee should be formed comprised of representatives from A&P, City Council, the Mayor, and members of the community for the planning of the Pocket Park. After discussion a roll call vote was taken: Moore- yes, Strickland- yes, Laura Smith-Yes, Horrell- Yes, Taylor- Yes, Amanda Smith- No, Kauffman- Abstained, then changed vote to yes after being told by the Mayor that she could not abstain. The motion passed.

### **Civic Center Water Fountain Replacement**

Mayor Barnes ordered a new water fountain for the Civic Center for \$849.00.

Commissioner Amanda Smith and Mayor Barnes got into heated discussion when Comm. Amanda Smith inquired as to what steps were taken to ensure that the old water fountain could not be repaired. (See Attachment #4)

Motion made by Comm. Horrell and seconded by Comm. L. Smith to reimburse the city for \$849 for the water fountain. Roll call vote was taken. Motion passed.

Comm. Horrell discussed **Swamp Cooler**. Prices have gone up significantly for the Swamp Coolers. Comm. Taylor made a motion, Comm. L. Smith seconded the motion to let the Swamp Cooler go. Motion passed.

## **NEW BUSINESS:**

**Renewal Contract for Chuck Young Band.** Mayor Barnes presented the commission with a proposal outlining that HAPC should take on the Chuck Young Band as an HAPC



event every Thursday at the Civic Center rent free. After a lot of discussion, Comm. Horrell made a motion, Comm. L. Smith seconded, to rent the civic center for \$100 per week per performance by Chuck Young Band and does not include concessions. Rental of the concession stand will be a separate fee of \$50. This is for a one year contract. Motion passed.

**Business Directories-** Comm. L. Smith will contact Pacesetting Times and check on the status of business directories. Chairman Moore made a motion, Comm. Horrell seconded the motion to go to print on Friday contingent on the fact that everything has been updated and all businesses have been added.

**July 4th Plans-** Comm. Kauffman reported that a budget needed to be set to purchase rubber ducks. Mayor Barnes stated that he was unable to secure a booking for Mary Beth Byrd to have a concert for July 1st and therefore the city did not have plans for the July 4th weekend event. No motion was made.

Comm. Horrell made a motion to spend \$250 out of Sign expense line item 7530 to purchase flags. Comm. L. Smith seconded, roll call vote was taken and passed unanimously. Mayor Barnes will be purchasing the flags.

#### **Change of HAPC Meeting Date and Time**

Comm. Moore made a motion, Comm. Horrell seconded the motion to move the meeting to the third Tuesday at 4pm. Motion passed.

#### **Cancel the Debit Card/Open a Credit Card Account**

Comm. L. Smith made a motion to rescind a previous motion for a debit card, Comm. Horrell seconded the motion. Voice vote, all in favor. Motion passed.

Comm. L. Smith made a motion to open a credit card in the name of the commission with a maximum credit limit of \$2,000 with two authorized users. Chairman Tracie Moore and Financial Secretary Vicki Strickland (To cease at the end of their terms) condition on the procedure that each month's credit card statement will be presented to the commission for review purposes. At each month's commission meeting and accompanied by itemized receipts. Comm. Horrell seconded the motion. Roll call vote was taken. All voted yes. Comm. A. Smith was absent. Motion passed.

**Zoom with A&P Lawyer, Mr. Baker-** Comm. Kauffman commented that it was still important to speak with the lawyer to detail and outline duties according to our bylaws, ordinances and state statutes.

Mayor Barnes told the commission he would contact the Arkansas Municipal League and he would report back to the commission in June. A&P tax collector, Ms. Nimmi Desai, said the commission needs to keep their own books. Comm. Strickland said she was working directly with the Darlene Wilson and that if the commission had any questions



or anything that the commission would like to see, let Strickland know and she would work with Darlene to get that information for the commission.

**UPDATES:**

**Music on Main-** Comm. Kauffman gave updates of upcoming bands for opening weekend of Music on Main Summer Concert Series. Natural Disasters would be the opening act for Memorial Day weekend.

**Civic Center Rentals-** Chairman Moore reports on the Civic Center Calendar for June 2023 upcoming bookings. As of June 1st, all civic center rental fees will be deposited into HAPC account directly.

**Movie in the Park-** skipped over

**Solar Eclipse Meeting 6/5-** skipped over

**SPEAKERS:**

Business owner **Ms. Nimmi DeSai** questioned the status of the tram, the money paid out for the tram, and the plan for the tram. Comm. Horrell reported that Dennis and them were friends of theirs, it was worked on and it does run, Comm. Horrell will get a quote from Steven Rose with Hook Em' Up for moving the tram from Sid's to Hardy Civic Center. Ms. Nimmi DeSai gave the commission the background of dates and information on the tram. She stated that Dennis Horton told Sid, per the HAPC commissioner's vote, to quit working on the tram. Comm. Horrell stated that last year Mayor Rose approached the HAPC commission to pay Sid for work that had been completed on the tram and that was why the commission paid the bill last year.

Motion to adjourn by Comm. Horrell seconded by Comm. Taylor. Motion passed.  
Next meeting is June 20th at 4pm.

**Minutes prepared and submitted by:**

  
\_\_\_\_\_  
Commissioner Ginni Kauffman, A&P Secretary

PASSED AND APPROVED THIS 24 DAY OF June, 2023

  
\_\_\_\_\_  
Commissioner Trace Moore, A&P Chairman



I make a motion to the commissioners to ratify for  
all purposes the conveyance memorialized in Sharp  
County instrument # 2200008.

H - motion

S - 2<sup>nd</sup>

M - Y

S - Y

LS - Y

H - Y

T - Y

AS - N

K - ~~AY~~

Passed



From: **John Baker** <[jbaker@mwlaw.com](mailto:jbaker@mwlaw.com)>

Date: Thu, May 11, 2023, 12:05 PM

Subject: Hardy A&P/Advice

To: Amanda Smith <[riverviewfalls@gmail.com](mailto:riverviewfalls@gmail.com)>, [rickandtracie1014@gmail.com](mailto:rickandtracie1014@gmail.com) <[rickandtracie1014@gmail.com](mailto:rickandtracie1014@gmail.com)>, Sue Taylor Commissioner <[jstcat@centurytel.net](mailto:jstcat@centurytel.net)>, Phil Horrell <[krishorrell@hotmail.com](mailto:krishorrell@hotmail.com)>, [stonehouseartisanwares@gmail.com](mailto:stonehouseartisanwares@gmail.com) <[stonehouseartisanwares@gmail.com](mailto:stonehouseartisanwares@gmail.com)>, [wsnana@yahoo.com](mailto:wsnana@yahoo.com) <[wsnana@yahoo.com](mailto:wsnana@yahoo.com)>, [artasiadesigns@gmail.com](mailto:artasiadesigns@gmail.com) <[artasiadesigns@gmail.com](mailto:artasiadesigns@gmail.com)>, Chairman <[hardyapcommission@gmail.com](mailto:hardyapcommission@gmail.com)>

Commissioners:

In 2015, the Hardy A&P Commission came to own Lot 2 of Block 5 (less some parts of the east and west sides of it) of the Original Town of Hardy ("Lot 2") by way of a Warranty Deed and a Correction Deed filed in 2015 and 2019, respectively. Those two deeds were signed by King Agency, Inc. as the grantor/seller to the Commission, the grantee/buyer.

On January 3, 2022 at 9:59 a.m., a quitclaim was recorded that conveyed Lot 2 from the Commission back to King Agency, Inc. The Commission's Chairman, Jeffrey Munroe, and the Commission's Secretary, Mark Huscher, executed this quitclaim deed though there appear to exist no records to indicate that the Commission had approved any such transfer of Lot 2 back to King Agency, Inc.

On January 3, 2022 at 10:00 a.m., a warranty deed was recorded that conveyed Lot 2 from King Agency, Inc. to the City of Hardy.

Today, the Sharp County Assessor shows Lot 2's owner to be the City of Hardy, not the Commission.

Here are the OPTIONS FOR THE COMMISSION:

1. Do nothing, but I do not recommend this option;



2. Work with the City to secure a return of the property to the Commission and, if such efforts fail, file a lawsuit against the City of Hardy and ask the Circuit Court to declare that the Commission, not the City, is the owner of Lot 2. on a theory that the quitclaim deed signed by Munroe and Huscher was not authorized by the Commission; or

3. The Commission favorably passes a motion or a resolution "ratifying" (e.g., confirming) the quitclaim deed signed by Munroe and Huscher.

I stand ready to answer any questions you all may have.

MITCHELL WILLIAMS

**John Keeling Baker**

T 501.688.8850 | F 501.918.7850

[jbaker@mwlaw.com](mailto:jbaker@mwlaw.com) | [Profile](#) | [MitchellWilliamsLaw.com](http://MitchellWilliamsLaw.com)

425 W. Capitol Ave. | Ste. 1800 | Little Rock, AR 72201

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

**From:** Amanda Smith <[riverviewfalls@gmail.com](mailto:riverviewfalls@gmail.com)>

**Sent:** Tuesday, May 9, 2023 7:21 AM

**To:** [rickandtracie1014@gmail.com](mailto:rickandtracie1014@gmail.com); Sue Taylor Commissioner <[jstdat@centurytel.net](mailto:jstdat@centurytel.net)>; Phil Horrell <[krishorrell@hotmail.com](mailto:krishorrell@hotmail.com)>; [stonehouseartisanwares@gmail.com](mailto:stonehouseartisanwares@gmail.com); [wsnana@yahoo.com](mailto:wsnana@yahoo.com); [artasiadesigns@gmail.com](mailto:artasiadesigns@gmail.com); John Baker <[jbaker@mwlaw.com](mailto:jbaker@mwlaw.com)>

**Subject:** Hardy A and P

*Good Morning Commissioners and Mr. Baker,*

**Monday, April 24th**

During our regularly scheduled HardyA&P meeting, the Commission was presented a deed from the audience showing that the A&P owned the pocket park (donated by the Late Judge King); that money had been granted from Entergy to the City of Hardy for the pocket park; and that the money donated by Entergy has not been spent on the park.

Previously, the Commission was told by the City of Hardy that the City owned the park.

**Tuesday, April 25th**

I tried to call and texted Chairperson Commissioner Moore to plan an executive meeting about the Pocket Park property. When I did not hear back from her, I contacted Commissioners Phillip Horrell, Sue Taylor, Laura Smith, Vicky Strickland and Ginni



Chairperson Commissioner Moore has prevented the Commission twice from trying to schedule an executive meeting.

- Vice Chairman Commissioner Horrell tried to schedule an executive meeting on April 26th.
- Zoom meeting with the attorney was cancelled for the upcoming scheduled meeting

As you are all aware the Commissioners were questioned about several issues at our April 2023 meeting and it was embarrassing that we couldn't answer the questions with confidence. We are all, as Commissioners, answerable to the A & P tax collectors (it's the tax they collect and submit to the Commission) and responsible for managing the

A & P funds.

I am requesting all the Commissioners to decide if they agree or disagree for Mr Baker to attend our May 22, 2023 meeting via zoom (or in person) so that we as a Commission can get legal guidance to serve the Commission per our By-Laws, Ordinance, State Acts of the A & P Commission and the oath we all took.

Please respond by email no later than May 17, 2023 to confirm if you would like:

- Mr. Baker to attend our May 22, 2023 meeting, in person or via zoom to guide us legally on how to enforce and address our By-Laws, Ordinances, and the State act of the A & P Commission.

- Mr. Baker not to attend our May 22, 2023 meeting, in person or via zoom to guide us legally on how to enforce and address our By-Laws, Ordinances, and the State act of the A & P Commission

Sincerely,

Amanda Smith

Hardy A and P Commissioner



ReplyForward

Confidentiality Notice: This electronic mail transmission and any attachment may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (501) 688-8800 Little Rock, AR (479) 464-5650 Rogers, AR (512) 480-5100 Austin, TX or (870) 938-6262 Jonesboro, AR so that our address record can be corrected.



Kauffman about having an executive meeting to discuss the pocket park deeds. They all said yes; they would like to have an executive meeting to discuss the pocket park.

I informed Chairperson Commissioner Moore that a meeting had been scheduled. She did not want the commission to have a meeting to discuss the pocket park. She scheduled a working meeting to do inventory instead, denying the request of the Commissioners.

She then asked me to contact the A and P lawyer, Mr. Baker to ask him about the pocket park.

I called the Hardy A & P attorney, Mr. Baker, and left a message asking to be contacted back about the pocket park.

### Wednesday, April 26th

I emailed Mr. Baker and all the Commissioners the relevant pocket park documents that I had on hand, requesting that the Commission needs guidance on the operation of the A & P and including responsibilities etc.

### Wednesday, May 3

A & P Attorney Mr. John Baker called me in response to the email that was sent on April 26th. He advised that he would attend our May meeting via zoom to advise Commissioners in performing their duties in accordance to our By-Laws, Ordinances, and the State Act of the A & P Commission.

### Thursday, May 4

Chairperson Commissioner Moore called me to inform me that she had cancelled the zoom meeting with Mr. Baker, without consulting or advising the Commission first. I asked her to include Mr. Baker on the agenda for the May meeting and she refused to add him on the agenda. She said she could cancel things on the agenda because she was the Chairperson and not going to have it right now. I asked her if she was the only one that could set the agenda just because she was the Chairperson. She said she didn't know, but would look into it. Her concern was how people were upset with the increase in the A & P tax percent rate and she didn't want to cause more upset.

She said she didn't want to deal with A & P stuff for 3 to 4 weeks, she needed a break. She was tired. She said that the Commission could do their own research and figure things out on their own. I expressed my concerns to her about cancelling the zoom meeting with Mr. Baker and that we were not following our By-Laws, Ordinances, and the State Act of the A & P Commission and have not been since I have been on the Commission for two years.

Chairperson Commissioner Moore did say that she asked Mr. Baker to look into two things:

1. Whether the process taken to transfer the Pocket Park was legal
2. If not, what can be done to correct it

**Commissioners**, I am concerned about several legalities and the fact that the Commission is not being able to operate per our By-Laws, Ordinance, and the State Act of the A & P Commission. I am concerned that we may be in violation, due to the fact that we were informed by our Financial Secretary that the Mayor has decided not to charge interest and penalties on taxes paid late and he has allowed installment payments to a delinquent tax collector/payer, without the A & P Commissioners' knowledge. By allowing the Mayor to make decisions on A & P business without him consulting the Commission, we are possibly in violation. We as Commissioners are legally bound by the oath we have taken and we are responsible for managing A & P Taxes collected. Currently we have no control over the collections.

I do believe that the Commissioners and the A & P Commission could get sued. The intention of allowing our attorney to attend the meeting (in zoom or person) is to protect each one of us and the Commission.



PAGE 1

Village Inn of Hardy  
Nimmi Desai  
P.O. Box 787  
Hardy, AR 72542

May 20, 2023

Hardy Advertising and Promotion Commission  
P.O. Box 1005  
Hardy, AR 72542

ATTENTION: COMMISSIONERS

RE: DONATED LOT BY THE LATE JUDGE KING - POCKET PARK

On April 24, 2023 I had submitted Ownership documents for the Lot donated to the Hardy A & P. These were documents that I had obtained from the Court Clerk sometime in March 2023.

On April 26, 2023 I went to the Clerk's office to obtain ALL ownership documents prior to Judge King owning the Lot till he donated it to the Hardy A & P.

The Property Card shows the activity of Ownership, which were not all the documents given to me in March 2023 and I questioned the Clerk about it. She couldn't answer for the person who gave me the documents in March 2023!

PROPERTY CARD ACTIVITY

12/22/86 - Phillips to King  
12/30/14 - King Agency to Hardy Adv (signed by Kevin King, Dennis Horton for Hardy A & P, Notarized by Ann A. Dienst on 30 December, 2014)  
03/28/19 - King Agency to Hardy Adv (Correction of Lot description) (signed by Joel M. King for King Agency, No Signature on behalf of Grantee for Hardy A & P, Notarized by Daniel J. Rega on 28 March, 2019)  
11/23/21 - King Agency to City of Hardy (note the Warranty Deed is still in the name of Hardy A & P, which means the Lot still belonged to Hardy A & P) (signed by Joel M. King on behalf of King Agency, Jeff Munroe - Agent on behalf of Grantee - City of Hardy, Notarized by Kim King)  
12/30/21 - Hardy A & P to King - this is the QUITCLAIM DEED (signed by Jeffrey L. Munroe, Chairman and Mark Huscher, Secretary on behalf of



Hardy A & P, Daniel Rega, Agent on behalf of Grantee - King Agency, Notarized by Daniel J Rega on 30 December, 2021 - Document had November and was altered to December)

The Quitclaim Deed seems to be an attempt to return the donated Lot to the King Family AFTER King Agency Deeded it to the City of Hardy while Hardy A & P still owned it. Also a decision taken by the then Chairperson and Secretary of the Hardy A & P Commission, WITHOUT the decision, approval or authorization of the Hardy A & P Commission. THIS IS CONSIDERED A VIOLATION ON THEIR PART!

I obtained the documents from the City of Hardy by a FOIA request for the Lot and I received the following documents:

1. Property Card
2. Quitclaim Deed
3. Correction Corporation Warranty Deed
4. Warranty Deed when Late Judge King donated Lot to Hardy A & P

After obtaining all the documents from the Court Clerk and the Minutes for the City of Hardy and Hardy A & P Commission from 2019 to date I found the following information and actions or non-actions in the contents of the minutes.

HARDY A & P COMMISSION MINUTES/CITY OF HARDY MINUTES

A & P MINUTES - March 25, 2019 - Commissioner Thurow presented his proposed drawing - TABLED TO BRING DRAWING DONE BY PREVIOUS MAYOR!

A & P MINUTES - July 22, 2019 - Commissioner Thurow proposed renegotiating with King Family to allow Hardy A & P to Deed 20% to the City - MATTER WAS Tabled!

A & P MINUTES - Oct 28, 2019 - Commissioner Thurow presented draft letter to be sent to King Family to disposition the Lot if Hardy A & P dissolved. MATTER WAS Tabled!

A & P MINUTES - Dec 16, 2019 - Commissioner Thurow asked if Hardy A & P is willing to sell 20% of the Lot to the City of Hardy. Councilmen Thurow and Gordon, serving on the Hardy A & P Commission stated that they will approach the City to see if they have an interest and will bring the issue back to the Commission at a later date.

CITY OF HARDY MINUTES - Jan 07, 2020 - Commissioner Thurow, as secretary to the Commission announced at the Council meeting that he wished to discuss the Pocket



Park in order to present at the next A & P meeting. COUNCIL DECIDED TO DISCUSS THIS AT THE NEXT COUNCIL MEETING!

The Pocket Park Lot was NOT discussed at any Hardy A & P Commission or City of Hardy Council meetings from February 2020 till April 2023.

Please note that Jeff Munroe signed the Corporation Warranty Deed, as an AGENT for the Grantee (City of Hardy), on 23 November, 2021 but failed to add this action on the Hardy A & P's Agenda for their 22 November, 2021 meeting!

On Dec 28, 2021 (2 days prior to Chairman Munroe and Secretary Huscher signing the QUITCLAIM DEED) the Pocket Park and the intention to sign the paperwork was not mentioned to the Commission during the updates provided by Chairman Munroe.

It also needs to be noted that Jeff Munroe and Mark Huscher signed the QUITCLAIM DEED on 30 December 2021 as the Commission's Chairman and Secretary.

On January 4, 2022 (5 days after signing the QUITCLAIM DEED and 1 day after the DEED was filed with the Sharp County Court Clerk), Mark Huscher (as the Commission's Secretary) provided a report of the Hardy A & P Commission (HAPC) to the Hardy City Council and no mention was made about the Pocket Park or the QUITCLAIM DEED.

Jeff Munroe as Councilman and Chairman of HAPC also did not mention this fact at this City Council meeting!

It is apparent that no other Commissioners or Council Members were aware of this action.

WHY DID TWO COMMISSIONERS (CHAIRMAN AND SECRETARY) TAKE IT UPON THEMSELVES TO TAKE THESE ACTIONS WITHOUT ANY APPROVALS FROM THE COMMISSION? THIS WAS A ONE-ON-ONE MEETING BETWEEN TWO MEMBERS OF THE HARDY A & P COMMISSION FOR THE PURPOSE OF TAKING ACTION WITHOUT THE APPROVAL OF THE COMMISSION AS A WHOLE. THIS IS ALSO CONSIDERED "POLLING OF COMMISSIONERS" AS A RESULT A VIOLATION OF THE FOIA LAW HAS BEEN COMMITTED WHICH SUBJECTS ONE TO POSSIBLE CRIMINAL PROSECUTION!

The above is based on Ark. Code Ann. §25-19-106(a) - A & P Commissions have been determined to be "governing bodies", so all meetings, formal or informal, special or regular, of the governing bodies of all municipalities...shall be public meetings and thus subject to Arkansas FOIA Law!



On 19, Dec 2022 Commissioner Horrell made a motion to donate the Hardy Historical Fence (which is actually part of the Pocket Park Lot) to Marc Herring. Was the Commission approached by the City of Hardy regarding this Fence? If so, was that an acknowledgment that the Pocket Park Lot along with the Fence is the property of the Hardy A & P Commission? No mention, regarding this Fence, was made in the Dec 6, 2022 Hardy City Council Meeting.

Transferring the Lot where the Warranty Deed was still in the name of Hardy A & P to the City of Hardy is actually not Legal since Hardy A & P still owns that Lot, so I think that the transfer (despite NO MONETARY CONSIDERATION) is NULL AND VOID.

I would like to know how the Hardy A & P Commission plans to correct this action so that the Pocket Park project can be completed as planned years ago. Please also remember that Entergy donated \$10,000.00 towards the Pocket Park Project, these funds were deposited in the City Reserve account line #4156. I requested all documents for this account including any payments made from this donation for the Pocket Park. The Recorder/Treasurer had no information on the funds but she did provide copies of the donation checks from Entergy.

Whatever decision the Commission takes to resolve this Legal Issue, I would suggest that the Commission comes up with a Written Resolution to complete the Pocket Park Project by forming a Committee comprising Members from the Commission, City and Hardy Citizens!

It is understood that none of the current Commissioners were involved in this violations committed by the two former Commissioners, but now that it has come to light the Commission or current Commissioners are not absolved!

ALL MEETINGS REGARDING THIS ISSUE MUST BE ANNOUNCED IN ADVANCE, NOTICES PUBLISHED AND ALL A & P TAX COLLECTORS SHOULD BE INVITED EITHER BY PHONE CALLS OR LETTERS!

I trust that the Hardy A & P Commissioners will take the correct Legal Action for the benefit of the Citizens of the City of Hardy so that Faith and Trust is not lost on our City and Commission Officials. YOU ARE ALL UNDER OATH TO TAKE THE CORRECT LEGAL ACTION!!



Secretary Kauffman - please attach a copy of this letter to the 22<sup>nd</sup> May, 2023 Hardy A & P Meeting Minutes that you provide to each of the A & P Commissioners, Mayor Ethan Barnes, the Minutes filed at Hardy City Hall, the official A & P Secretary minutes, as well as any others who may receive these Minutes.

Thank you.



Nimmi Desai

Owner - Village Inn of Hardy (A & P TAX COLLECTOR/REMITTER)

A copy of this letter is emailed to Hardy A & P's Attorney Mr John Baker at [jbaker@mwlaw.com](mailto:jbaker@mwlaw.com)



[illegible]



**WARRANTY DEED**  
**WITH RELINQUISHMENT OF DOWER & CURTESY**

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Mary Jo Hastings Phillips

and John Phillips, III, her husband ~~his wife~~ GRANTORS,

for and in consideration of the sum of Ten and other valuable  
considerations DOLLARS (\$ 10.00),

in hand paid by King Agency, Inc.,

GRANTEE Sharp, the receipt of which is hereby  
acknowledged, do hereby grant, bargain, sell and convey unto the said GRANTEE Sharp, and unto  
its successors,  
~~/xxxxxxxx~~ and assigns forever, the following lands lying in

County, Arkansas:

Lots One (1), Two (2) and Three (3), Block Five (5), of the  
Original Town of Hardy, Sharp County, Arkansas, per recorded plat  
or plats and subject to the easements, notes and other indicated  
restrictions, if any, on said plat or plats and subject to the  
conditions and restrictions as set forth in the Bill of Assurance  
and amendments thereto, if any of record in the office of the  
Circuit Court Clerk and Ex-Officio Recorder of said County and  
State.



I CERTIFY UNDER PENALTY OF FALSE  
SWEARING THAT AT LEAST THE LEGALLY  
CORRECT AMOUNT OF DOCUMENTARY  
STAMP HAVE BEEN PLACED ON THIS  
INSTRUMENT.

To have and to hold the same unto the said GRANTEE Sharp, and unto its successors  
~~/xxxxxxxx~~ and assigns forever, with all the appurtenances thereunto belonging.

And we hereby covenant with said GRANTEE Sharp, that we will forever warrant and defend the  
title to the said lands against all claims whatever.

And we, Mary Jo Hastings Phillips and John Phillips, III,  
wife and husband,

for and in consideration of the said sum of money, do hereby release and relinquish unto the said  
GRANTEE Sharp all our rights of dower, curtesy and homestead in and to the said lands.

WITNESS our hands and seals on this 22 day of December, 1926.

Instrument prepared by  
**KING & GARNER**  
Attorneys at Law  
Hardy, Arkansas 72542

Mary Jo Hastings Phillips (I.S.)  
John Phillips, III. (I.S.)



ACKNOWLEDGEMENT

STATE OF TEENESSEE  
County of SH61BY

{ ss. \_\_\_\_\_ } ss.

On this day personally appeared before the undersigned, a Notary Public (or \_\_\_\_\_ ) within and for the County and State aforesaid, duly qualified, commissioned and acting, \_\_\_\_\_ Mary Jo Hastings Phillips \_\_\_\_\_ and John Phillips, III. \_\_\_\_\_ husband and wife, to me well known as the grantors in the foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and official seal on this 22nd day of DECEMBER, 19 86.  
My Commission expires:

Barbara G. Cooley  
Notary Public

(SEAL)

WARRANTY DEED	
WITH RELINQUISHMENT OF POWER AND CURTESY	
TO _____	and _____
_____	his wife
Filed for record this _____ day _____ of _____ Dec., 1986 at 10:15 o'clock A.M. Tommy Estes Clerk.	
By <u>Walter Shelby</u> D.C.	
NOTE: A wise man will have his deed recorded.	

CERTIFICATE OF RECORD

STATE OF ARKANSAS  
County of Sharp { ss. \_\_\_\_\_ } ss.

I, Tommy Estes \_\_\_\_\_, Circuit Clerk and Ex-Officio Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 29 day of Dec. A.D. 19 86 at 10:15 o'clock A M., and the same is now duly recorded, with the acknowledgments and certificates thereon, in "Record Book 234," page 173.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court, this 29 day of Dec., 19 86.

Tommy Estes  
Circuit Clerk and Ex-Officio Recorder  
By Walter Shelby D.C.





2015-00497  
Inst# 1500139  
Page 1 of 3

CERTIFICATE OF RECORD  
Record Book  
Filed: 01/12/2015 03:36 pm  
Pages: 3 (00497-00499)  
Sharp County Arkansas  
Tommy Estes Circuit Clerk & Recorder

By: R. Coster D.C.

Prepared by and, after recording,

to be returned to:

John Keeling Baker

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

425 West Capitol Avenue, Suite 1800

Little Rock, Arkansas 72201

### WARRANTY DEED WITH POSSIBILITY OF REVERTER

KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, **King Agency, Inc.** (the "**Grantor**"), does hereby grant, bargain, sell and convey unto **Hardy Advertising & Promotion Commission**, a commission of the City of Hardy, Arkansas (the "**Grantee**"), all of the Grantor's right, title and interest in and to the following lands lying in Sharp County, Arkansas:

Lot Two (2), Block Five (5) of the Original Town of Hardy, Sharp County, Arkansas, according to a plat of record in the office of the Circuit Court Clerk and Ex-Officio Recorder of Sharp County, Arkansas, less and except said lot's west 14 feet previously conveyed by a corporation warranty deed found at Book 2007, Page 19402-19403 (and bearing instrument number 200785753) maintained in and by said office.

**TO HAVE AND TO HOLD** the same unto Grantee, with all appurtenances thereunto belonging, so long as Grantee continues to operate as the Hardy Advertising & Promotion Commission. If the condition set forth in this paragraph is not met, then this property shall revert in fee simple absolute, without any liens or encumbrances, to the Grantor.

And I hereby covenant with Grantee that I will forever warrant and defend the title to said lands against all claims or encumbrances.

EXECUTED on this date, December 30 2014.

KING AGENCY, INC.

By: Kevin W. King

Print Name: KEVIN W. KING

Print Title: PRESIDENT



STATE OF ARKANSAS )

COUNTY OF Sharp )

) ss:

ACKNOWLEDGMENT

On this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, personally appeared Kevin N King, an officer of King Agency, Inc. known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30<sup>th</sup> day of December, 2014.



Notary Public

My commission expires:

4-7-2020  
(SEAL)



I CERTIFY UNDER PENALTY OF FALSE  
SWEARING THAT DOCUMENTARY  
STAMPS OR A DOCUMENTARY SYMBOL IN  
THE LEGALLY CORRECT AMOUNT HAS BEEN  
PLACED ON THIS INSTRUMENT.

Dennis Horton

HARDY ADVERTISING AND PROMOTION COMMISSION

P.O. Box 1005  
HARDY AR  
72542

**FOR RECORDING PURPOSES:**

Type of Document: Correction Corporation Warranty Deed  
Grantor: King Agency, Inc.  
Grantee: Hardy Advertising & Promotion Commission  
Documentary Stamps: (if necessary) \$ No Monetary Consideration

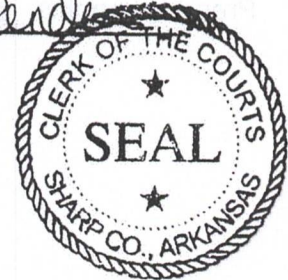
**PREPARED BY:**

Homestead Abstract & Title, Inc.  
#6 FM 101 Road / P.O. Box 491  
Hardy, Arkansas 72542  
Under the supervision of:  
Don R. Brown, Attorney at Law

**CERTIFICATE OF RECORD**

Record Book  
Filed: 03/28/2019 03:43 pm  
Pages: 2 (04111-04112)  
Sharp County Arkansas  
Alisa Black Circuit Clerk & Recorder

By: Alisa Black



**"CORRECTION" CORPORATION  
WARRANTY DEED  
to land in Arkansas**

KNOW ALL PERSONS BY THESE PRESENTS:

THAT, KING AGENCY, INCORPORATED, a corporation organized under the laws of the State of Arkansas, GRANTOR, by its President, duly authorized by proper resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration in hand paid by HARDY ADVERTISING & PROMOTION COMMISSION, a commission of the City of Hardy, Arkansas, GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said HARDY ADVERTISING & PROMOTION COMMISSION, a commission of the City of Hardy, Arkansas, and unto its successors and assigns forever, the following described lands lying and being situated in SHARP County, Arkansas, to-wit:

Lot Two (2), Block Five (5) of the Original Town of Hardy, Sharp County, Arkansas, according to a plat filed in the records of Sharp County, Arkansas filed in County Court Record Book "H" at page 610.

**LESS AND EXCEPT:**

The West 14.0 feet of Lot 2, Block 5 of the Original Town of Hardy, Sharp County, Arkansas.

**ALSO LESS AND EXCEPT:**

The East 4.29 feet of Lot 2, Block 5 of the Original Town of Hardy, Sharp County, Arkansas.

*\*This deed is being given in an effort to correct the land description recited in a Warranty Deed (with possibility of reverter) between the same parties hereto, dated December 30, 2014 filed in Record Book 2015 at pages 497 through 499).*

TO HAVE AND TO HOLD the same unto the said HARDY ADVERTISING & PROMOTION COMMISSION, a commission of the City of Hardy, Arkansas, and unto its successors and assigns forever, with all appurtenances and hereditaments thereunto belonging, so long as Grantee continues to operate as the Hardy Advertising & Promotion Commission. If the condition set forth in this paragraph is not met, then this property shall revert in fee simple absolute, without any liens or encumbrances, to the Grantor.



Correction

And the GRANTOR, hereby covenants with the said GRANTEE that it will forever warrant and defend the title to said lands against all lawful claims whatsoever, except any restrictions or easements appearing of record.

IN TESTIMONY WHEREOF, the name of the GRANTOR is hereunto affixed by its President on this 28<sup>th</sup> day of March, 2019.

## KING AGENCY, INCORPORATED

BY: [Signature]  
JOEL M. KING, President

## ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF SHARP

On this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, JOEL M. KING, to me well known as the President of KING AGENCY, INCORPORATED, and stated that he, as such officer, being authorized to do so, had executed the foregoing Warranty Deed for the consideration and purposes therein mentioned and set forth, by signing the name of the corporation by himself as such officer.

WITNESS my hand and official seal on this 28<sup>th</sup> day of March, 2019.

My Commission Expires: 08-07-2024

[Signature]  
NOTARY PUBLIC  
(SEAL)

\*This deed has been prepared without the benefit of title research, no determination as to the merchantability of title has been made and no closing services were provided.

I hereby certify under penalty of false swearing that Documentary Stamps or a Documentary Symbol in the legally correct amount have been placed on the face of this document.

CITY OF HARDY, ARKANSAS  
Grantee or Grantee's Agent

Hardy Advertising & Promotion Commission  
c/o The City of Hardy  
P.O. Box 1005  
Hardy, Arkansas 72542

Address of Grantee

\*No Monetary  
CONSIDERATION



**FOR RECORDING PURPOSES:**

Type of Document: Corporation Warranty Deed

Grantor: King Agency, Inc.

Grantee: City of Hardy, Arkansas

Documentary Stamps: (if necessary) \$ No Monetary Consideration

**PREPARED BY:**

Homestead Abstract & Title, Inc.

#6 FM 101 Road / P.O. Box 491

Hardy, Arkansas 72542

Under the supervision of:

Don R. Brown, Attorney at Law

**CERTIFICATE OF RECORD**

Record Book

Filed: 01/03/2022 10:00 am

Pages: 2 (00022-00023)

Sharp County Arkansas

Alisa Black Circuit Clerk & Recorder

By: 



**CORPORATION  
WARRANTY DEED  
to land in Arkansas**

**KNOW ALL PERSONS BY THESE PRESENTS:**

THAT, KING AGENCY, INCORPORATED, a corporation organized under the laws of the State of Arkansas, GRANTOR, by its President, duly authorized by proper resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration in hand paid by the CITY OF HARDY, ARKANSAS, GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said CITY OF HARDY, ARKANSAS, and unto its successors and assigns forever, the following described lands lying and being situated in SHARP County, Arkansas, to-wit:

**Lot Two (2), Block Five (5) of the Original Town of Hardy, Sharp County, Arkansas, according to a plat filed in the records of Sharp County, Arkansas filed in County Court Record Book "H" at page 610.**

**LESS AND EXCEPT:**

**The West 14.0 feet of Lot 2, Block 5 of the Original Town of Hardy, Sharp County, Arkansas.**

**ALSO LESS AND EXCEPT:**

**The East 4.29 feet of Lot 2, Block 5 of the Original Town of Hardy, Sharp County, Arkansas.**

TO HAVE AND TO HOLD the same unto the said CITY OF HARDY, ARKANSAS, and unto its successors and assigns forever, with all appurtenances and hereditaments thereunto belonging, so long as Grantee continues to improve and use the subject premises for the betterment of the City of Hardy without selling the subject property. If the condition set forth in this paragraph is not met, then this property shall revert in fee simple absolute, without any liens or encumbrances, to the Grantor.

And the GRANTOR, hereby covenants with the said GRANTEE that it will forever warrant and defend the title to said lands against all lawful claims whatsoever, except any restrictions or



easements appearing of record.

IN TESTIMONY WHEREOF, the name of the GRANTOR is hereunto affixed by its President on this 23<sup>rd</sup> day of November, 2021.

## KING AGENCY, INCORPORATED

BY: 

JOEL M. KING, President

## ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF Craighead

On this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, JOEL M. KING, to me well known as the President of KING AGENCY, INCORPORATED, and stated that he, as such officer, being authorized to do so, had executed the foregoing Warranty Deed for the consideration and purposes therein mentioned and set forth, by signing the name of the corporation by himself as such officer.

WITNESS my hand and official seal on this 23<sup>rd</sup> day of November, 2021.

My Commission Expires: 07-30-2025

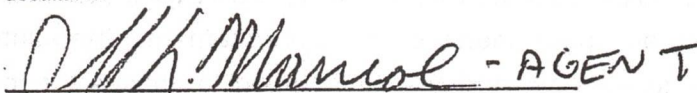
Kim King  
NOTARY PUBLIC

(SEAL)

\*This deed has been prepared without the benefit of title research, no determination as to the merchantability of title has been made and no closing services were provided.

I hereby certify under penalty of false swearing that Documentary Stamps or a Documentary Symbol in the legally correct amount have been placed on the face of this document.



 - AGENT  
Grantee or Grantee's Agent

The City of Hardy  
P.O. Box 1005  
Hardy, Arkansas 72542

Address of Grantee



**FOR RECORDING PURPOSES:**

Type of Document: Quitclaim Deed  
Grantor: Hardy Advertising & Promotion Commission  
Grantee: King Agency, Incorporated  
Documentary Stamps: (if necessary) \$ No Monetary Consideration

**PREPARED BY:**

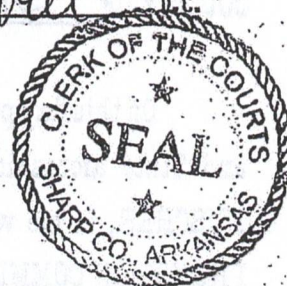
Homestead Abstract & Title, Inc.  
#6 FM 101 Road / P.O. Box 491  
Hardy, Arkansas 72542  
Under the supervision of:  
Don R. Brown, Attorney at Law

**CERTIFICATE OF RECORD**

Record Book  
Filed: 01/03/2022 09:59 am  
Pages: 2 (00020-00021)  
Sharp County Arkansas  
Alisa Black Circuit Clerk & Recorder

By: Alisa Black

**QUITCLAIM DEED  
TO LAND IN ARKANSAS**



**KNOW ALL PERSONS BY THESE PRESENTS:**

THAT, HARDY ADVERTISING & PROMOTION COMMISSION, a commission of the City of Hardy, Arkansas, an incorporated city, organized under the laws of the State of Arkansas, GRANTOR, by its Chairman and Secretary, duly authorized by proper resolution of its City Council, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration in hand paid by KING AGENCY, INCORPORATED, GRANTEE, the receipt of which is hereby acknowledged, does hereby convey, sell and quitclaim unto the said KING AGENCY, INCORPORATED, a corporation organized under the laws of the State of Arkansas, and unto its successors and assigns forever, the following described lands lying and being situated in SHARP County, Arkansas, to-wit:

Lot Two (2), Block Five (5) of the Original Town of Hardy, Sharp County, Arkansas, according to a plat filed in the records of Sharp County, Arkansas filed in County Court Record Book "H" at page 610.

**LESS AND EXCEPT:**

The West 14.0 feet of Lot 2, Block 5 of the Original Town of Hardy, Sharp County, Arkansas.

**ALSO LESS AND EXCEPT:**

The East 4.29 feet of Lot 2, Block 5 of the Original Town of Hardy, Sharp County, Arkansas.

TO HAVE AND TO HOLD the same unto the said KING AGENCY, INCORPORATED, a corporation organized under the laws of the State of Arkansas, and unto its successors and assigns forever, with all appurtenances and hereditaments thereunto belonging.

IN TESTIMONY WHEREOF, the name of the GRANTOR is hereunto affixed by its duly authorized Chairman and Secretary on this 30<sup>th</sup> day of Dec November, 2021.

**HARDY ADVERTISING & PROMOTION COMMISSION**

Jeffrey L. Monroe  
JEFFREY L. MONROE, Chairman

Mark Huscher  
MARK HUSCHER, Secretary



Quit Claim Deed

# ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF SHARP

On this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, JEFFREY L. MUNROE and MARK HUSCHER, to me well known as the Chairman and the Secretary of THE HARDY ADVERTISING & PROMOTION COMMISSION, and stated that they, as such authorized representatives, had executed the foregoing Quitclaim Deed for the consideration and purposes therein mentioned and set forth, by signing the name of the city by themselves as such authorized representatives.

WITNESS my hand and official seal on this 30<sup>th</sup> day of <sup>DEC</sup> November, 2021.

Daniel J. Rega  
NOTARY PUBLIC  
(SEAL)

My Commission Expires: 08-07-2024



\*This deed has been prepared without the benefit of title research, no determination as to the merchantability of title has been made and no closing services were provided.

I I hereby certify under penalty of false swearing that Documentary Stamps or a Documentary Symbol in the legally correct amount have been placed on the face of this document.

Daniel J. Rega, AGENT <sup>\*NO MONETARY</sup> CONSIDERATION  
Grantee or Grantee's Agent

King Agency, Incorporated


P.O. Box

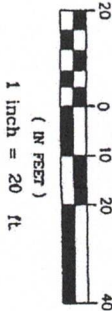
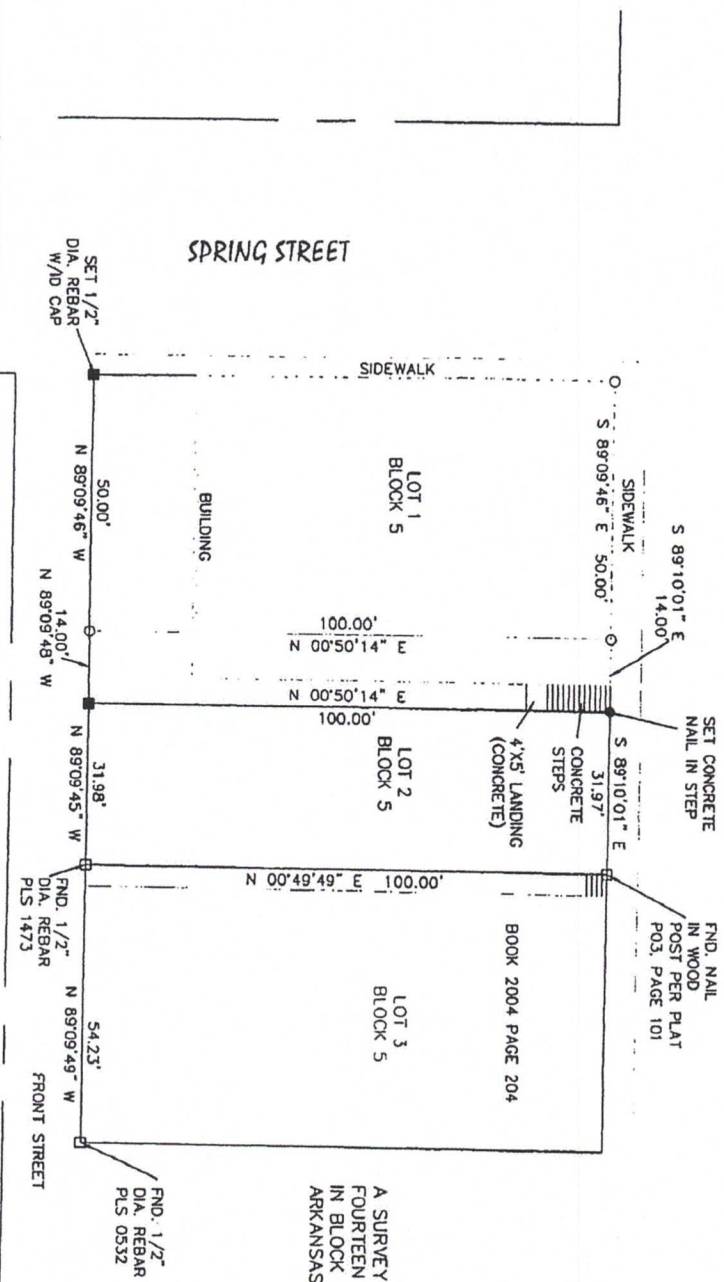
HARDY, AR 72542

Address of Grantee

LAND SURVEYOR'S CERTIFICATION  
I HEREBY CERTIFY THAT THE HEREON PLATTED AND  
DESCRIBED SURVEY WAS COMPLETED UNDER MY  
SUPERVISION ON THE 17TH DAY OF AUGUST 2007, AND  
WAS EXECUTED IN ACCORDANCE WITH THE CURRENT  
ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS.



SURVEY PLAT		
 SURVEY, INC. LAND SURVEYING, LLC 2421-B HWY 62/412 HIGHLAND, AR 72342 (870) 856-4141	SURVEY FOR: RALPH WHITE AUGUST 17, 2007 JOB NO. 0708978	LOCATION  A SURVEY OF LOT 1 & PART OF LOT 2, BLOCK 5, TO THE ORIGINAL TOWN OF HARDY, ARKANSAS.
LEGEND <input type="checkbox"/> FOUND MONUMENT <input checked="" type="checkbox"/> SET 1/2" DIA. REBAR <input type="checkbox"/> SET 1/8" DIA. REBAR <input type="checkbox"/> COMPUTED POINT		



DESCRIPTION  
A SURVEY OF ALL OF LOT 1 & THE WEST  
FOURTEEN (14') FOOT OF LOT 2, ALL LOCATED  
IN BLOCK 5, TO THE ORIGINAL TOWN OF HARDY,  
ARKANSAS.

**FILED**

AUG 23 2007  
TOMMY ESTES, CLERK  
BY GRAPHIC SCALE

BEARINGS BASED ON RECORD PLAT  
FILED AS P.O.S. PAGE 101



## **Hardy Advertising and Promotions Commission**

**P.O. Box 1005 Hardy, AR 72542**

### **Regular Meeting Minutes**

**Monday, April 24, 2023**

Chairman Moore called the meeting to order and led the Pledge of Allegiance. Commissioners present: Phillip Horrell, Ginni Kauffman, Tracie Moore, Amanda Smith, Laura Smith, Vicki Strickland, and Sue Taylor. There was a quorum. Minutes from March 27, 2023 Regular Meeting and minutes from April 1 and April 5, 2023 Special Meetings were approved.

#### **Treasurer's Report**

Commissioner Strickland gave the Treasurer's Report.

The balance of the Capital Reserve Acct. is \$51,164.88

The balance of the operating Acct. is \$32,541.25

#### **New Business**

##### **Requested Funding for Spring River Car Show- Chandler Slater**

Chandler Slater petitioned the A&P for \$700.00 for advertising support for the Spring River Car Show coming up on June 3, 2023. Comm. Horrell made a motion to approve \$700.00 request to be taken out of Line Item 7505 Event Support. Comm. Laura Smith seconded. Roll call vote was taken and motion passed unanimously.

##### **Requested Funding for Hardy Yard Sale- Billy Davidson**

Billy Davidson petitioned the A&P for \$500 for newspaper and radio advertising for the Hardy Yard Sale on May 6, 2023. Comm. Taylor made a motion to approve the request for \$500.00 to come out of Event Support (7505) for advertising support (\$180 for newspaper and \$320 for radio) for Hardy Yard sale. Comm. Horrell seconded. Roll call vote taken and motion passed unanimously.

##### **Gear Wheel Removal From River- Pat Black**

No funding needed

##### **Debit Card For A&P Bank Account**

Comm. Laura Smith made a motion to get a debit card for the A&P account to be used for things that must be purchased online. Comm. Kauffman seconded. All in favor and motion passed.

### **Arkie Online Advertising- Amanda Smith**

Advertising opportunity with Arkie Travels- \$750 (in conjunction w/ Ozark Gateway) includes tourism specific photos and videos, (30) 60 sec videos of Arkie Travels exploring our region, up to 10 Instagram stories the day of their visit, dedicated blog post, we keep photo/ video assets for our use with credit to Arkie Travels. Comm. Horrell made a motion to spend \$750.00 to advertise with Arkie Travels Online payable to Ozark Gateway out of Digital (Line Item 7503). Comm. Laura Smith seconded. Roll call vote was taken and motion passed unanimously.

### **Property Rental for Fireworks Tent**

Comm. Amanda Smith made a motion to rent our property for \$1400.00 for 14 days (June 20-July 4) to Spencer Hill for the sale of Fireworks. Any additional days would be \$100/day. Comm. Horrell seconded. All in favor. Motion passed.

### **Christmas Lighting Prizes**

Tabled until May meeting

### **Replacement of Civic Center Water Fountain**

Tabled until special meeting with 3 bids

### **Agenda add-on**

A member of the audience presented the Commission with copies of a Warranty Deed that states that the property known as Pocket Park was deeded to the Hardy A&P as well as a receipt for a \$10,000 donation by Entergy to the City designated for Pocket Park. Audience member also asked the A&P why we did not have on hand the details of our financials on a monthly basis.

### **Old Business**

#### **Business Directories (# of copies to order)- A. Smith**

Comm. Horrell made a motion to spend \$1,468.85 from Office and Printing (Line Item 7513) for Pacesetter to print 2,500 Hardy Business Directories. Original price was \$2,468.85, but Ozark Gateway will pay \$1,000 for printed acknowledgement on the directory. Comm. Taylor seconded. Roll call vote was taken and motion passed unanimously.

#### **Create New Line Item on Budget**

Comm. Amanda Smith made a motion to create a new line item 7601 titled Operations/ Maintenance and take \$155.98 out of line item 7512 (Office and Postage) and put it into



newly created line item 7601 (Operations/Maintenance). Motion seconded by Comm. Horrell. Roll call vote was taken and motion passed unanimously.

**Reimburse Laura Smith for Handicap Rails**

Comm. Amanda Smith made a motion to reimburse Comm. Laura Smith \$155.98 for the purchase of handicap rails from line item 7601 (Operations/Maintenance).

Roll call vote was taken and motion passed unanimously with the abstention of Comm. Laura Smith.

**Lighting the Bridge- P. Horrell**

Comm. Horrell is continuing to check on logistics and will report back as information is acquired.

**Christmas Lights Purchase- A. Smith**

Christmas lights have been ordered and will be shipped in August at which time we will be invoiced.

**Advertising Updates - A. Smith**

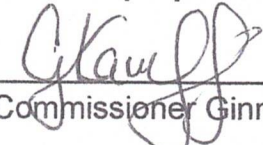
Comm. Amanda Smith gave updates on current projects. I have attached a copy of these updates to the minutes.

**Adjourn**

Comm. Laura Smith made a motion to adjourn. Commissioner Horrell seconded. All in favor...meeting adjourned.

**Next Regular Meeting- Mon., May 22, 2023 @ 6pm @ Civic Center.**

**Minutes prepared and submitted by:**

  
Commissioner Ginni Kauffman- A&P Secretary

PASSED AND APPROVED THIS 22<sup>nd</sup> DAY OF May, 2023

  
Commissioner Tracie Moore- A&P Chairman



# Hardy A & P

## Advertising Updates, April 2023

1. Good Morning Arkansas: KATV 7
  - a. Hardy's invoice will be for \$850
    - i. B-roll pics taken on 15 -16 of May in Hardy
    - ii. Live airing with Mayor and another commissioner being interviewed on May 26th
2. Creating Bridges Grant for Spring River Country
  - a. Hardy will be invoiced under \$500.
  - b. Total expense is \$17,120.71 (most is covered by CB grant and part by Ozark Gateway funding)
  - c. CJRW Photo shoot/video/drone week of 22nd (looking at 24th and 25th)
  - d. We will get:
    - i. picture/video/drone footage assets to use for future publications, marketing, social media
    - ii. Arkansas.com sponsored video
3. Create Bridges Grant for Hardy
  - a. Pole banners and hardware will be ready to install next week
4. CJRW
  - a. Arkansas.com Sponsored Article (Eclipse) w/Cherokee Village
    - i. Rate \$2,500 - \$1,000 from Ozark Gateway/2 = \$750 Hardy owes
  - b. Arkansas.com Discover Arkansas E-Newsletter (November) Christmas
    - i. Rate \$750 - \$375 Ozark Gateway = \$375 Hardy owes
  - c. Destination Page Button renewal w/Cherokee Village
    - i. Rate \$2,000/2 = \$1,000 Hardy owes
5. Website: Richland Group
  - a. Total bill: \$5,000
    - i. Ozark Gateway is paying \$1,000
    - ii. Hardy has committed \$4,000
6. S4- Christmas Lights
  - a. Hardy invoice \$2,854.68
    - i. Invoice attached with items listed
7. Ozark Gateway
  - a. Regional magazine advertisement, Hardy invoiced \$1,615.00 *Ozark Gateway mag.*
  - b. Travel Guide, Hardy invoiced \$2,045.50 *Arkansas Tourism magazine*
8. Business Brochures- Pacesetter times
  - a. If voted in, Hardys invoice amount will be \$2,463.85
    - i. \$2,265 plus \$203.85 tax, total price is \$2,468.85.
9. Arkie Travels
  - a. If voted in, Hardy, will owe \$750
    - i. Tourism specific photos and videos
    - ii. 30-60 second video of Arkie travels exploring our region
    - iii. Up to 10 instagram stories the day of visit
    - iv. Dedicated blog post
    - v. Videos will be available for use on our social media, website, and email newsletter with credit to Arkie travels.