

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Tuesday, January 20, 2015. Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Ray Patel, Andy Patel, Dee Lawrence, Alderman Kenny Elliott and the Honorable Tommy Swaim answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (6), Absent (1) Commissioner Jim Hurley was absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, and Alderman Howard.

**MINUTES:**

**Commissioner Andy Patel moved, seconded by Commissioner Lawrence to approve the minutes of the November 17, 2014 meeting as presented. Motion Carried.**

Deviation in agenda

**NEW BUSINESS:**

**1. Election of officers**

Chairman/Alderman Ray opened the floor to nominations for 2015 officers.

Alderman Elliott nominated Chairman/Alderman Ray to continue serving as chairman.

With no further nominations, Chairman/Alderman Ray closed the floor to nominations.

**Alderman Elliott moved, seconded by the Honorable Tommy Swaim to reappoint Alderman Ray as Chairman for 2015. Motion Carried.**

Chairman/Alderman Ray expressed his appreciation to the Commission.

**2. Recommendation for reappointment of Commissioner Jim Hurley and the Honorable Tommy Swaim for terms to expire 03/31/2018**

Chairman/Alderman Ray related that the Honorable Tommy Swaim has asked not to be reappointed for another term. He stated that the Commission would be voting to recommend the reappointment of Commissioner Hurley and would address the other appointment at the February meeting.

**Alderman Elliott moved, seconded by Commissioner Ray Patel to recommend the reappointment of Commissioner Jim Hurley for a term to expire 03/31/2018. Motion Carried.**

Chairman/Alderman Ray expressed his appreciation on behalf of the Commission and the City of Jacksonville to the Honorable Tommy Swaim for his service to the City and the Commission.

It was noted that the Honorable Tommy Swaim still has two meetings to attend.

The Honorable Tommy Swaim related that he has served on the Commission since its inception.

Commissioner Andy Patel expressed his appreciation to the Honorable Tommy Swaim for all of his service.

Resume agenda.

**FINANCIALS:**

Finance Director Cheryl Erkel presented the financial report for December, noting total assets of \$519,517.00, liabilities \$65,222.00 and a fund balance of \$454,295.00. She reported revenues through December 31<sup>st</sup> of \$747,195.00 and expenditures of \$713,648.00. Revenues exceeded expenditures by \$33,547.00.

She reported November hotel/motel gross receipts of \$226,698.00, which is a decreased of 2% when compared to last year. However, when compared to the same month last year, there is a 20% increase. She reported prepared food tax gross receipts of \$2,937,513.00, which is a 1% increase when compared to last year but a decrease of 1% when compared to the same month last year. She noted overall gross receipts of \$3,164,211.00, which remained even in both comparisons.

**The Honorable Tommy Swaim moved, seconded by Commissioner Andy Patel to approve the December financial report as presented. Motion Carried.**

**OLD BUSINESS:**

**NEW BUSINESS:**

**3. City Attorney Bamburg's review of the judge's decision regarding local funding of non-profits.**

City Attorney Bamburg stated that Chairman/Alderman Ray has asked that he address this issue, adding that he would like to start by saying that it is premature. He stated that what Judge Pierce ruled on is a circumstance where Little Rock Chamber of Commerce and Economic Development entity and the North Little Rock economic development entity in their chamber of commerce were sued by a few citizens in 2013, which has developed its way through. He related that the plaintiffs filed a motion for summary judgment, adding that it was actually a motion for a partial summary judgment. He explained that a partial summary judgment is where the plaintiffs ask the judge to rule in their favor. He stated that the circumstances are such that the motion only covered a part of what the complaint was about.

In short, the complaint is regarding money going from the two cities to their chambers and then to their economic development programs. The plaintiffs have labeled them an illegal exaction, which is basically an improper use of tax dollars. He related the ruling that Judge Pierce issued a couple of weeks ago, and was featured in an article in the Arkansas Democrat Gazette, is only partially covering the motion for summary judgment. He stated that they still have the rest of the case to litigate and what Judge Pierce has listed in his letter of opinion is saying the contracts that Little Rock and North Little Rock have with those entities are not sufficient to overcome the burdens that the State constitution has about using city monies to support private non-profit actions. He related that this particular case does not involve the City of Jacksonville or the Commission, and until the case issues any type of final ruling or the ruling goes to the Supreme Court or the Court of Appeals, it will not affect the Commission unless we are brought into the suit. He stated that he is saying all of that to say this; the Commission has approved the budget and expenditures for 2015, advising the Commission to continue making them in the manner that has been approved under the terms of the contracts that are presently existing with the various entities. He noted that the Commission has contracts with the Chamber of Commerce, Museum of Military History, Reed's Bridge, and the Boys and Girls Club that need to continue as they are done. He asked that the Commission hold off on funding any additional requests unless it is a particular project or event that the accountability of those funds can be easily identified and easily handled. He explained if those were the circumstances and it is a situation where he feels that it would fall out of the scope of what Judge Pierce has now said is inappropriate, he will advise the Commission at that time. He asked the Commission to proceed with caution with future funding requests but not be concerned with what the Commission has already approved for 2015 until things change. He stated that it is premature for the Commission to make any changes to what has already been approved simply because it is unknown how far reaching this particular opinion will be once it is finalized. He related that they are still in the middle of litigation and don't have the order from Judge Pierce regarding the letter of opinion from a couple of weeks ago, adding that the formal order is not on file as of yet. He stated that presently, they are arguing back and forth regarding the language. He then related that it is something to be aware and cognizant of making any additional funding approvals for this calendar year.

Commissioner Andy Patel questioned if Judge Pierce's ruling has placed the entities in trouble at this time with having to wait for funding from the cities.

City Attorney Bamburg responded that the short answer is yes.

Commissioner Andy Patel stated that even though the Commission is not included in the suit, caution should be exercised regarding any further step toward funding or changing what has already been approved.

City Attorney Bamburg stated that the difficulty with changing anything now is knowing what will be acceptable by the judge. He advised the Commission to wait and see where Judge Pierce is going and whether the case is moved to the Supreme Court. He offered his opinion that it is going to the Supreme Court, adding that somewhere within the next three months a statute will be forthcoming from the current legislative session that will in all likelihood resolve and take care of this matter, either authorizing it or setting up a method by which it can be done.

He related that what Judge Pierce was focusing on is a way that these funds can be accountable from a public circumstance because once they go to the specific entities there is no accounting of how the funds are spent, what they are spent on, or whether they meet the purpose the contracts outline. He stated that the contracts are very generically worded and are very vague in nature. He related the difficulty with drafting those kinds of contracts, explaining that most of them are unique because otherwise, they would not accomplish the overall purpose.

Commissioner Andy Patel confirmed with City Attorney Bamburg that this practice has been ongoing for several years.

City Attorney Bamburg replied that this will affect A & P Commissions, municipalities, or county governments who fund a local non-profit, particularly those that are focused on economic development, business promotion or other such activities. He stated that once everything is said and done, it will be broad reaching but will depend on what action is taken by the Supreme Court and what action is taken by the legislature this session or in 2017 to address creating circumstances where that is a legitimate expenditure for a municipality or county government.

The Honorable Tommy Swaim stated that there is a specific State statute that says money cannot be given to a Chamber of Commerce. He related it is part of the problem that the City has had over the years, explaining that the City was under the impression that a contract could be written as long as the Chamber of Commerce delivers the services that were paid for. He also related that going back to a previous line item of business, there is a State statute that addresses the makeup of the Commission.

City Attorney Bamburg noted that the Commission has to be made up of two representatives from the hotel/travel industry, two from restaurants, two aldermen, and one at large position, which is the position held by the Honorable Tommy Swaim. He related his understanding that Commissioner Hurley is going in for reappointment but that the Honorable Tommy Swaim has declined to continue serving.

He related that he and the Honorable Tommy Swaim have had many discussions over the years regarding what the City could and could not do regarding the Chamber of Commerce expenditures because the statute is very specific regarding what can and cannot be done. He pointed out the contracts that he has written are the best that can be done for what the circumstances are but it is somewhat the same situation for Little Rock and North Little Rock especially North Little Rock, adding that Little Rock has a little more vulnerability.

Commissioner Andy Patel questioned if the Commission could nominate Mayor Fletcher to serve in place of the Honorable Tommy Swaim.

City Attorney Bamburg confirmed that Mayor Fletcher is eligible to serve in that position. He related that the nomination for appointment would be addressed in the February meeting and the Commission recommends the appointment to the City Council who ultimately approves the appointment. He noted that the Honorable Tommy Swaim's term does not end until March 31<sup>st</sup> so there are a couple of months left and he will have to return for a least one more meeting.

Chairman/Alderman Ray informed the Commission that the Sells Agency is not present this evening because he asked them not to be present. He related that right before Judge Pierce's ruling, the Chamber of Commerce and Mayor Fletcher had approached him to dissolve the Sells Agency's contract, explaining that there is a clause within the existing contract allowing the Commission to dissolve the contract. He related the need to dissolve the Sells Agency's contract because the Chamber of Commerce needs to hire a new chief executive officer.

City Attorney Bamburg stated that while he doesn't agree with Chairman/Alderman Ray, he reiterated that the Commission does not need to change anything until the City finds out what is going especially anything the Commission might agree to that will focus or direct money to the Chamber of Commerce. He asked that the Commission not do anything until the City knows where this case is going or where this action will end up. He added that Sells Agency or not, the Commission has the right within the current contract to terminate the contract with a 60-day written notification at the behest of either party. He advised the Commission not to take action to funnel money toward the Chamber of Commerce because he is advising the Commission that they cannot do that.

Commissioner Andy Patel stated that the Chamber of Commerce would have to present a plan regarding how they would justify terminating the Sells Agency contract and achieving the same results.

Chairman/Alderman Ray stated he wanted the Commission to be informed and that it was on the table but would not be discussed further, explaining that he left a Municipal League meeting last week where it was discussed and they advised a "wait and see" approach.

Commissioner Andy Patel suggested that when a Commission meeting is changed from its regularly scheduled date that all Commissioners receive a phone call to confirm that the date is agreeable to all Commissioners.

It was noted that the January and February meetings of the Commission have always been held on Tuesday, due to the holidays that are observed on the Monday prior.

In response to a question from the Honorable Tommy Swaim, Commissioner Andy Patel replied that the hotels are doing better, explaining that December and January are usually the slowest months of the year but they are hoping for a good year. He stated that construction is not helping but the decrease in gas prices and the good weather will help.

**ANNOUNCEMENTS:**

**ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 6:25 p.m., next meeting February 17, 2015.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**



**A & P Commission**  
**Regularly Scheduled Meeting**  
**February 16, 2016**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Tuesday, February 16, 2016. Chairman/Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Ray Patel, Billy Hall, Jim Hurley, and Alderman Kenny Elliott answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (5), Absent (2) Commissioners Dee Lawrence and Andy Patel were absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Sells Agency Account Executive Kristen Burgeis, Sells Agency Public Relations Account Executive Allyson Johnson, Mayor Gary Fletcher, Parks and Recreation Director Kevin House, William House, Warren Dupree, and Mike Kish.

**MINUTES:**

**Commissioner Hurley moved, seconded by Commissioner Ray Patel to approve the minutes from the November 16, 2015, November 23, 2015 and December 15, 2015 minutes as presented. Motion Carried.**

**Deviation in agenda**

In response to a question from Chairman/Alderman Ray, Finance Director Erkel replied that at present there is only \$2,000.00 in the cash account, explaining that the majority of payments would be received around the 20<sup>th</sup> of the month, which will bring the cash account up to \$30,000.00. She also noted that a certificate of deposit would be maturing on the 24<sup>th</sup> in the amount of \$50,000.00, which will increase the cash account to approximately \$80,000.00. She explained that the low balance was due to the expenditure of \$154,000.00 for the Shooting Range contribution and the last quarter payment to Parks and Recreation regarding hotel/motel and prepared food tax revenue allocation.

**NEW BUSINESS:**

**1. \$2,500.00 Funding Request for Christmas Parade**

Parks and Recreation Director Kevin House related that the Boys and Girls Club has received funding in the past for this event, adding that he was given a copy of the budget.

**Commissioner Hurley moved, seconded by Commissioner Hall to approve the expenditure of \$2,500.00 to Parks and Recreation for the Christmas Parade. Motion Carried.**

**2. \$7,000.00 Funding Request for Martin Street equipment**

Director House related that this request was along the same lines as to what had previously been funded to the Boys and Girls Club, explaining that since the Boys and Girls Club could not receive funding; he is requesting that the funds be given to Martin Street.

Director House replied that the funds would be used for equipment and programs, clarifying that the programs would be administered by the Parks and Recreation Department.

**Alderman Elliott moved, seconded by Commissioner Hall to approve the expenditure of \$7,000.00 to the Parks and Recreation Department for Martin Street equipment. Motion Carried.**

Mr. Warren Dupree stated that he had been approached by the City and Military Museum Board members to put together a proposal regarding funding they have received in the past from the Commission. He explained that it was structured in terms that would be more agreeable to everyone regarding tourism, conventions, and things of that nature that are specifically in line with allowable expenditure of funds. He related that he put it together but did not have it with him for the Commission's review this evening. He stated that it was put together in such a way that some of the attorneys are a little happier with it. He related his hope that it would be presented to the Commission and a contract could be structured around it.

City Attorney Bamburg stated that a proposal was presented, explaining that in order for the Commission's funds to be used appropriately, there has to be certain language used and the Commission would have to move away from funding a blanket amount and allowing them to use it for whatever they wished. He further explained that Commission funds have to fund specific events, programs, or activities that are operated, managed, or handled by the particular location. He stated that in this circumstance, what the Museum presented had the information regarding the particular activities that the Museum was going to hold, adding that there are some language changes that would need to be made for the funding circumstances to be more secure. He related that because the Museum is an entity that is focused on bringing tourists into the City, it has a distinction from the other entities that the Commission has previously funded. He stated that he is still uncomfortable in doing so, but if the contract is worded correctly and tied to each event and it is determined that if funds don't come from the Commission for the particular events, then the events could not be held in the same manner as they would if the funding occurs. He related his understanding that some of the events would not happen if the funding does not take place, adding that he will make sure that it is applicable to all requested funding in order for the amount to be approved. He stated that if the Commission chooses to fund it, he asked for the Commission's approval to give him the discretion to work out the language that will work from his and the Museum's perspectives.

He related that the proposal is ready and that he has had a chance to review it along with others however, it needs to be modified to make it more event oriented with additional language regarding the Museum's inability to sponsor or fund these events if outside funding is not received.

Discussion ensued.

Alderman Elliott stated that before the Commission could take action, they would need to see a copy of the proposal.

Chairman/Alderman Ray noted that the amount being requested is \$49,000.00.

Mr. Dupree noted that the original amount was approximately \$44,950.00 along with a separate amount for the Vietnam Veteran's event.

Alderman Elliott reiterated that the Commission would need to see the specifics of the proposal prior to taking action.

City Attorney Bamburg stated that they could have something available for the March meeting.

Mr. Dupree agreed that it would be available for the March meeting and could be emailed to Recording Secretary Wilmoth for inclusion in the agenda packet.

**3. \$39,000.00 Funding Request for Dupree Park renovations**

Director House related that he has spoken with several Commissioners regarding the shape of Dupree Park. He stated the Parks and Recreation Department has two places that draw visitors who stay and they are the Shooting Range and Dupree Park. He noted that Dupree Park is an older ballpark and is in bad shape, noting that the maintenance staff does a great job in trying to keep it up. He explained that the request is for fence repair and basically a "face-lift", regarding painting and repair work. He stated that if this isn't the time he understands but wanted the Commission to have it, adding that he will answer any questions the Commission may have.

Discussion ensued and it was noted that additional information would need to be obtained regarding the budget prior to approving any additional requests.

Alderman Elliott suggested tabling this item to the next meeting so the Commissioners would have time to review the information.

Commissioner Hurley questioned if additional revenue sources have been considered such as raising the entry fees.

Director House replied affirmatively, explaining that the Parks and Recreation Department is now running the concession stands, which should be a large revenue source for the Parks Department. He added that they are continuing to look for ways that can help with funding the upgrades.

It was the consensus of those present to table this item of business until the March meeting.

**Resume agenda**

**FINANCIALS:**

Finance Director Erkel reported January assets of \$563,073.00 with \$300,093.00 allocated to investments. She further reported liabilities in the amount of \$101,838.00, explaining that the amount is fourth quarter revenues due to the Parks Department. She explained that all revenues received in January are for the month of December so the report shows no revenues for January. She reported expenditures of \$5,818.00 with expenditures exceeding revenues by the same amount. She also reported hotel/motel gross receipts in December of \$161,920.00, which is a decrease of 2% year-to-date and a decrease of 11% regarding the month-to-month comparison. She noted prepared food tax receipts for December in the amount of \$3,218,302.00, which is an increase of 2% regarding year-to-date comparison and an increase of 5% regarding month-to-month comparison. She further noted overall gross receipts of \$3,531,263.00, which is an increase of 2% regarding the year-to-date comparison and an increase of 4% for the month-to-month comparison.

**Alderman Elliott moved, seconded by Commissioner Hurley to approve the January financial report as presented. Motion Carried.**

**SELLS AGENCY:**

Account Executive Kristen Burgeis introduced Allyson Johnson as the new public relations account executive, explaining that Kathryn Hellar has taken a new position outside the agency.

Public Relations Account Executive Allyson Johnson presented a list of recent news and events content calendar for the website, explaining that they want to keep the content relevant for anyone who may be visiting the website. She explained that any of the information can be changed, added, or edited, noting that the calendar is flexible. She related that they would like to have three to four topics per month or one per week, adding that everything listed ties back to a specific event or topic that is current in Jacksonville. She related that this calendar can also be used to pitch specific events to the media.

Account Executive Burgeis added that if the Commission has any changes or additions to please contact Recording Secretary Wilmoth. She then gave a presentation regarding the new website.

**OLD BUSINESS:**

**ANNOUNCEMENTS:**

Recording Secretary Wilmoth read the list of upcoming events to include the Doyle Gaskin Shooting Class, the Easter Egg Hunt, and the Underwater Easter Egg Hunt.

Mr. Dupree informed the Commission of the upcoming "Night at the Victory Canteen" Museum fundraiser.

**ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 6:35 p.m., next meeting March 21, 2016.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**



**A & P Commission**  
**Regularly Scheduled Meeting**  
**March 16, 2015**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Monday, March 16, 2015. Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Andy Patel, Jim Hurley, Alderman Kenny Elliott and the Honorable Tommy Swaim answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (5), Absent (2) Commissioners Ray Patel and Dee Lawrence were absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, Sells Agency Account Representative Kristen Burgeis, Jim Moore, Patrick Thomas, and Rick Kron with The Leader newspaper.

**MINUTES:**

**Commissioner Andy Patel moved, seconded by Commissioner Hurley to approve the minutes of the January 20, 2015 meeting as presented. Motion Carried.**

**FINANCIALS:**

Finance Director Cheryl Erkel presented the financial report for February, noting total assets of \$357,068.00 of which \$300,749.00 are investments. She reported accounts payables of \$32,918.00. She noted reported revenues of \$65,929.00, explaining that the revenue is for January but was received in February. She stated that the revenue received in January was actually for the month of December, explaining that it was placed into a receivables account. She reported expenditures of \$193,397.00, noting that expenditures exceeded revenues by \$127,468.00.

She reported January hotel/motel gross receipts of \$159,217.00, which is a decreased of 21% when compared to last year. She reported prepared food tax gross receipts of \$3,110,318.00, which is a slight increase but less than 1% when compared to last year. She noted overall gross receipts of \$3,269,535.00 which is a decrease of 1%. She related that there was one hotel who had not reported for the month of January, explaining that the hotel has been contacted for payment. She stated that there were sixteen prepared food vendors who had not reported however, five have since reported. This increased the gross receipts to \$3,132,725.00, which is a 2% increase over last year.

**Commissioner Andy Patel moved, seconded by Alderman Elliott to approve the February financial report as presented. Motion Carried.**

**SELLS AGENCY:**

Sells Agency Account Executive Kristen Burgeis presented copies of the three ads that were recently placed for the Shooting Range in the Trap & Field, Water & Woods, and The Guest Guide publications.

In response to question from Commissioner Andy Patel, Ms. Burgeis replied that all of these publications are new for this year. She related that this year should be a year for a reenactment at Reed's Bridge, explaining that two to three years ago they reached out to specialty history publications: American History, Civil War Times, and America's Civil War. She stated that these three publications along with Facebook targeting resulted in a huge increase in website traffic to the Reed's Bridge page. She stated that knowing that there is a forthcoming event this year; they really wanted to target that audience. She related that beginning in May, they would be increasing advertising to remind them first and foremost about Jacksonville and then about the event. She then reviewed the rest of the media plan to include FestiVille, Summer TV, Splash Zone's 10<sup>th</sup> Anniversary, and the Big Bang on the Range.

In response to a question from Commissioner Andy Patel, Ms. Burgeis replied that their goal is to continue to reach people outside of the local area by placing ads in national publications such as Trap & Field. She stated that they would continue advertising in local publications for events such as FestiVille.

Commissioner Andy Patel suggested obtaining a billboard on Interstate 40.

It was noted that the previous billboard contract was not renewed due to budget constraints.

The Honorable Tommy Swaim related that on a recent trip, he was surprised at how many businesses located right off the Interstate did not know of any local attractions within their towns. He expressed the need to get information to businesses located near the exits.

Ms. Burgeis stated that the collateral pieces already exist and it would only be a matter of printing additional copies and distributing them to those businesses.

Discussion ensued.

**OLD BUSINESS:**

**NEW BUSINESS:**

Chairman/Alderman Ray related that the Honorable Tommy Swaim's term on the Commission would be expiring at the end of the month and Billy Hall has been recommended to fill the position. He noted that Mr. Hall is a resident of Jacksonville who was born and raised here. He stated that Mr. Hall inherited his father's towing and garage business, adding that he is a good man and would be a good commissioner.

City Attorney Bamburg clarified that the open position is the “at large” position, explaining that the Commission makes the recommendation and the Council approves the recommendation.

**The Honorable Tommy Swaim moved, seconded by Alderman Elliott to recommend the appointment of Billy Hall to the Commission with a term to expire 03/31/2019. Motion Carried.**

Chairman/Alderman Ray presented the Honorable Tommy Swaim with a service plaque, expressing his appreciation for his service to the City and the Commission.

**ANNOUNCEMENTS:**

Recording Secretary Wilmoth read the list of upcoming events.

**ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 6:45 p.m., next meeting April 20, 2015.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**



**A & P Commission**  
**Regularly Scheduled Meeting**  
**June 15, 2015**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Monday, June 15, 2015. Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Ray Patel, Jim Hurley, Billy Hall, and Alderman Kenny Elliott answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (5), Absent (2) Commissioners Andy Patel and Dee Lawrence were absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, Sells Agency CEO Mike Sells, Sells Agency Account Representative Kristen Burgeis, Mayor Gary Fletcher, Pam Hall, and Rick Kron with The Leader newspaper.

Chairman/Alderman Ray welcomed Billy Hall to the Commission.

**MINUTES:**

**Alderman Elliott moved, seconded by Commissioner Hurley to approve the minutes of the March 16, 2015 meeting as presented. Motion Carried.**

**FINANCIALS:**

Finance Director Cheryl Erkel presented the financial report for May, noting total assets of \$423,380.00 of which \$300,876.00 are investments. She reported revenues of \$273,286.00 and expenditures of \$337,020.00. She noted that revenues exceeded expenditures by \$63,735.00.

She explained that during the budget process, revenues and funded projects are approved and there is always a balanced budget. She related that this year, one of the funded line items was for map printing for the Chamber of Commerce. She explained that due to tax not being included on the funded budgeted amount, the amount exceeded the budget by \$289.20. She also noted the line item for stage repair that was funded in the 2014 budget, explaining that the work was not completed until 2015 in the amount of \$13,687.50. She stated that she wanted to bring it to the Commission's attention because the line item "other special projects-unbudgeted" will be reduced from \$18,501.00 to \$4,524.30. She further stated that the bottom line remains the same so the budget would not need to be amended.

Commissioner Hurley questioned why the invoice for map printing was paid without the Commission's approval for the overage.

Finance Director Erkel explained that the funding request approved did not include the tax amount due.

Commissioner Hurley stated that the Chamber made a mistake however; the item should have come before the Commission for approval prior to the bill being paid.

It was noted that the funds were paid to the vendor and not to the Chamber.

City Attorney Bamburg stated that amount still needs to be approved by the Commission, explaining that because there is an additional amount a motion would need to be made to approve the payment. He further stated that it should have been addressed at that time however; since it has been caught it needs to be corrected.

**Commissioner Hurley moved, seconded by Alderman Elliott to amend the budget in the amount of \$289.20 for the additional map printing cost. Motion Carried.**

City Attorney Bamburg explained that the stage repair is not an issue because it was a budgeted item that was previously approved by the Commission.

Finance Director Erkel related that based on the revenues that were projected for 2015, hotel/motel revenues are down \$2,091.00 and prepared foods are down \$314.00.

Commissioner Hurley questioned the deficit of \$138,184.07 on the revenues and expenditures report.

Finance Director Erkel explained that expenditures were paid earlier in the year, explaining the cash flow was not there at the time. She stated there is still a fund balance available from last year that is not reflected on the revenues and expenditures report but is included on the balance sheet.

She reported April hotel/motel gross receipts of \$200,959.00, which is a decrease of 5% when compared to last year. She reported prepared food tax gross receipts of \$3,308,051.00, which is a decrease of 2% when compared to last year. She noted overall gross receipts of \$3,509,010 which is a decrease of 2%.

Alderman Elliott remarked that he hoped to see an increase with all of the activities going on in May and June.

**Alderman Elliott moved, seconded by Commissioner Ray Patel to approve the financial report for May as presented. Motion Carried.**

In response to a question from Alderman Elliott, Commissioner Ray Patel replied that business is still down.

**SELLS AGENCY:**

Sells Agency CEO Mike Sells presented the website statistical report for review, explaining that they are seeing a significant increase in website traffic year after year. He stated that from January 1<sup>st</sup> to May 31<sup>st</sup> website traffic increased by 30%. He related that website traffic from Arkansas is down 3%; however it is up dramatically from surrounding states. He noted that Texas is up 78%, Tennessee 49%, Louisiana 1,290%, Mississippi 345%, and Florida is also up. He related the number one page on the website for that period is Splash Zone. He stated that there is 108% increase in the number of people going to the “where to stay” webpage. He related that with the increase in website traffic from out of state and the increase of traffic to the “where to stay” webpage, this increase is probably attributed to the Shooting Range. He stated that it looks like it is trending in the right direction but from a marketing standpoint he is looking at how to make it “sticky”. He explained that the question would be if the information is being presented in the right way, are visitors finding what they need, and if the facility is one that they would like to stay in.

It was noted that the Shooting Range information is contained on the City’s website.

Discussion ensued regarding Shooting Range website traffic.

Sells Agency Account Representative Kristen Burgeis related the summer television campaign is beginning this week per the media plan. She stated that the Splash Zone 10<sup>th</sup> Anniversary was picked up on KARK twice. She related that there are six publications presently running Shooting Range creative ads. She related that they are presently working on Big Bang on the Range banners and either direct mail or ads for the event. She noted that FestiVille and the Reed’s Bridge re-enactments are forthcoming.

Commissioner Hurley related there was a low turnout at the Boys & Girls Club banquet, adding that there needs to be a better job of marketing both from the Board and from the Commission.

Mrs. Burgeis noted KATV had a segment booked however, Mr. Bradley’s schedule would not permit him to attend and the segment was not aired.

**OLD BUSINESS:**

**NEW BUSINESS:**

**1. Shooting Range & Stage update**

Parks & Recreation Director Kevin House related the stage repairs have been completed and the stage was used at the Shooting Range for the regionals and state tournaments. He stated it looks like it has never been damaged. He further stated that he would like to not be responsible for setting up the stage with the exception of City run events. He related the stage was set up on the second or third weekend at the Shooting Range, explaining that it was put up and some thunderstorms moved through. He stated that if his staff had not been present to take down the stage, the stage would probably have been damaged again, adding that the top is attached and is like a kite.

He explained that the problem is that when the stage is rented to other entities, there is no staff staying with the stage to take it down.

Commissioner Hurley stated that the Commission did not want to be in the stage rental business in the first place.

City Attorney Bamburg related that the Commission set up a stage rental policy and could change it with a motion.

Chairman/Alderman Ray stated the Commission should stop renting the stage because the City does not have the manpower available to set up and stay with the stage to take it down should inclement weather occur during the event.

Commissioner Hurley questioned if there was any other entity that has rented the stage other than the City.

Director House related that some churches have utilized the stage in the past however, he coordinates stage rental with Recording Secretary Wilmoth who would have more information.

Discussion ensued.

**Alderman Elliott moved, seconded by Commissioner Hurley to cease stage rental to other entities, the stage is to be used for City sponsored events only. Motion Carried.**

Director House gave a brief update regarding the Shooting Range. He related that last year they threw a million targets which was way above the expected target for the first year of operation. So far this year, they have thrown 760,000 targets. He stated that AYSSP this year shot approximately 7,500 rounds, at twenty-five targets which are approximately 187,000 targets in five weeks plus practice. He related that the ATA State Aim started in the morning, which is the youth side of amateur trap. He stated that last year Aim had 220 shooters, adding that this year 240 shooters were pre-registered.

It was noted that the event was a six day event.

He related that they are expecting over 400 shooters. He explained that tomorrow the high school students and under with one division that is a junior gold division up to age 21 will shoot. He related that Wednesday through Sunday will be open to all ages with 400 expected shooters. He stated there are people coming from Kansas, Mississippi, Alabama, and Tennessee, adding that there are 7 or 8 states represented. He noted there are 40 recreational vehicle sites available which have all been rented for the week.

Commissioner Hurley complimented Director House on the Shooting Range and how well it has been run by his staff.

Chairman/Alderman Ray agreed with Commissioner Hurley.

## **2. Legislative Update**

City Attorney Bamburg stated that the Legislature agreed that requiring cities to release information regarding individual restaurant sales for prepared food tax or hotel lodging as of July 21<sup>st</sup> will no longer be distributed under the Freedom of Information Act. He stated that the City would still be obligated to release the totals but the information will not be released on an individual basis, adding that this is a good thing.

In reference to Judge Pierce's ruling, he explained that the Little Rock and North Little Rock Chambers are involved in a lawsuit. Judge Pierce had issued a ruling back in January that told them that he believes the expenditures out of A & P funds as well as other city funds were inappropriate for Chambers of Commerce's and entities such as those. He related that Judge Pierce outlined why he believed those to be inappropriate and he was asked to revisit the issue a couple of weeks ago and he did with no change in his opinion. He related that the City is not a part of the lawsuit, at some point when his ultimate ruling and the Circuit Court case closes; he anticipates the case going up to the Court of Appeals or the Supreme Court. He stated that once a ruling comes from the Court of Appeals or the Supreme Court, he will advise the Commission further. He related that until a final ruling is received, he advised the Commission to maintain the status quo.

In response to a question from Commissioner Hurley, City Attorney Bamburg confirmed that only the totals for the City were available under the Freedom of Information Act. He stated that this is an exception that has been granted by the Legislature.

### **ANNOUNCEMENTS:**

Recording Secretary Wilmoth read the list of upcoming events to include the 18<sup>th</sup> Annual Youth Fishing Derby and Big Bang on the Range.

### **ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 6:50 p.m., next meeting July 20, 2015.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**



**A & P Commission**  
**Regularly Scheduled Meeting**  
**October 19, 2015**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Monday, October 19, 2015. Alderman Ray called the meeting to order at 6:05 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Ray Patel, Andy Patel, Billy Hall, and Alderman Kenny Elliott answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (5), Absent (2) Commissioners Jim Hurley and Dee Lawrence were absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, Parks and Recreation Marketing Manager Marlo Jackson, Sells Agency Account Representative Kristen Burgeis, Mayor Gary Fletcher, Warren Dupree, Mike Kish, Larry Biernacki, and Rick Kron with The Leader newspaper.

**MINUTES:**

**Alderman Elliott moved, seconded by Commissioner Andy Patel to approve the minutes of the June 15, 2015 meeting as presented. Motion Carried.**

**FINANCIALS:**

Finance Director Cheryl Erkel presented the financial report for September, noting total assets of \$434,381.00, which includes \$301,075.00 in certificates of deposit. She related total liabilities of \$69,913.00. She reported revenues of \$557,785.00 and expenditures of \$610,518.00. She noted that expenditures exceeded revenues by \$52,733.00.

She reported August hotel/motel gross receipts of \$194,116.00 and prepared food tax gross receipts of \$3,200,308.00. She noted overall gross receipts of \$3,394,424.00. She related that hotel/motel gross receipts are up 4% regarding year to date comparisons and down 27% compared to the same month last year. She stated that prepared food gross receipts are up 1% year to date and down 3% for the month. She reported that overall gross receipts are up 1% for the year and down 5% for the month. She noted that one hotel did not remit payment for August until October, which is not reflected in the reported totals. She related that several prepared food vendors remitted the August remittance in October.

In response to a question from Commissioner Andy Patel, Director Erkel replied that there is one restaurant that is behind two months and collection letters have been sent to the vendor.

**Alderman Andy Patel moved, seconded by Alderman Elliott to approve the financial report for September as presented. Motion Carried.**

**SELLS AGENCY:**

Sells Agency Account Representative Kristen Burgess related recent marketing of Big Bang on the Range, FestiVille, the Museum of Military History, and Reed's Bridge. She explained that they worked closely with the Parks Department to make sure they were supplementing efforts and helping in any way they could. She related that they were asked to implement radio advertising, Pandora, print ads, a billboard wrap, and public relations. She noted that there were two segments on KTHV and KARK during the week of FestiVille. She stated that the best reach for FestiVille was Pandora, explaining that the target audience was the 13-24 age groups. She related that there was a .9% click through rate which is generally not seen with 318,000 impressions in a two and a half week period leading up to FestiVille. She commented that usually with that tight of an audience group you usually don't see that kind of click through rate. She related that overall in terms of impressions, 530,000 impressions were given to anyone around the target demo, explaining that in geography terms they were given to individuals as far north as Searcy, into Sweet Home, Pulaski County, and Little Rock.

She related a very successful Facebook campaign regarding Reed's Bridge for an expenditure of \$400.00. She explained that on Facebook, the user identifies their likes and groups and social media tracks them. She stated that anyone in a history related group or if a user liked certain events, during an eight weeks period involving all of the touch states, they received a Facebook ad. She related they reached out to touch states specifically because anyone who has to drive a few hours is more inclined to stay overnight. She noted that 363,000 people were served the ad with over 800 clicking on the ad for more information. She stated that she didn't know how many visitors that turns into because once they click on the ad they lose track of them. She expressed their hope that out of those 800 people a least a few decided to make the trip to Jacksonville.

In response to a question from Commissioner Andy Patel, Ms. Burgeis replied that the ad directed the user to the Reed's Bridge website, explaining that they try to send users to the website that has the most information regarding an event.

She stated that they are winding down for the year however; they are presently working on the Commission's website to update the content and make it more visual and user friendly.

Chairman/Alderman Ray related that Mayor Fletcher has inquired as to why the ad was not included in Thursday's edition of the Three Rivers newspaper.

In response to a question from Commissioner Andy Patel, Parks and Recreation Director Kevin House replied that FestiVille attendance was around 12,000.00.

**OLD BUSINESS:**

**NEW BUSINESS:**

**1. Sells Agency Contract**

Chairman/Alderman Ray related that the contract would be discussed at the next Commission meeting, explaining that there would be a budget meeting prior to the next meeting.

**2. Presentation: Museum 2016 Funding Request for Kiosk**

Mr. Warren Dupree related the history of obtaining a C-130 static display for the Museum of Military History. He stated that after obtaining a tail number, it was cost prohibitive to put the static display on Museum grounds. He related that the C-130 that was assigned to the Museum was moved to the front entrance of the Education Center. He expressed the Museum's desire to set up a kiosk/information booth at that location, adding that a year and a half ago Mr. Biernacki had a meeting with LRAFB personnel and contractors. He related that RPPY architects provided some numbers to give the Museum an idea of what the cost would be, noting that the building cost was more than anyone had anticipated. He stated that the idea was to essentially lease a small portion of the area that is Department of Defense land and place a tourist information kiosk on the land with state of the art electronics, interactive advertising, with a multi-screen display underneath an indoor/outdoor kiosk that will allow people to stop by and obtain information regarding the LRAFB, the Museum, Reed's Bridge, the parks and other things going on in Jacksonville. It would also provide a little background regarding LRAFB history. He noted that a year and a half ago they had looked at GIF funding from the area legislature and other sources but there was not a lot of money that was available or would be forthcoming at that time. He stated that a copy of the GIF funding request information is included with the Commission's funding request in the amount of \$175,000.00. He related that the Museum has never placed a request for that amount of funding before, adding that he felt he should explain the request to the Commission. He stated that the bulk of the funding is for the kiosk in the amount of approximately \$120,000.00. He explained that it is a simple open air indoor/outdoor kiosk with a central core that has three or four interactive led touch screens. He further explained that basically there would be three screens and three panels in-between with interchangeable advertising. He related that this is the sort of thing that is seen at many tourist destinations and key points for municipalities and parks when they want to have a stand-alone information center. He stated that the idea was to have it at an entry point to Jacksonville at the front of the LRAFB.

Mr. Biernacki related that the land has been set aside for the Museum at a cost of \$1.00 per year, adding that the expense is really in the building and the equipment.

Mr. Dupree stated that once the kiosk is in place, satellite kiosks could be placed at other attractions. He related that it is flexible enough that it can essentially be tied into the network. He stated that it consists of approximately \$40,000.00 worth of equipment along with a three-year on-site field service and warranty and contract. He related that maintenance and time keeping the information updated and loops on the screen would come from the Museum. He stated that advertising slots would be available, which could potentially be a source of revenue.

In response to a question from Alderman Elliott, Mr. Dupree stated that the Museum would maintain it but the more organizations that could potentially become involved and the more advertising it generates it might become a situation where the Museum might not have the best people to handle that.

It was noted that if funded, the project would take no more than six months to complete.

### **3. Presentation: Reed's Bridge 2016 Funding Request for Forge**

Mr. Mike Kish, President of the Reed's Bridge Historical Society, related that there are two funding requests that have been submitted to the Commission. He stated that a funding request was submitted for completion of the forge, explaining that the shell of the forge has been purchased and is mostly constructed. He related that now they need to build the actual forge part that consists of the furnace, explaining they could probably do self-help to build the forge. He then explained that he is not an efficient stone layer, adding that he cannot lay stone or brick. He related that there is a point when stacking stone or brick, 15-20 foot high; if the measurements are not accurate it could fail. He stated they would prefer to have a professional do the stone laying on site. He related that a detailed budget has been submitted which includes the cost for a local stone mason, which is the biggest hurdle to getting the forge up and going. He explained that their interpretation is to show what an 1860's farmstead might and could have looked like. He noted that they made a lot of compromises to get the product they have out there. He related there are a lot of models and templates that are used from around the United States that are somewhat period correct. He stated that the best analogy they have right now is the Historic Arkansas' Museum forge, adding they want to follow that concept. He related that there is an on-staff blacksmith five to seven days a week who is doing various projects with the public. He stated that there is a Central Arkansas blacksmith group that travels from house to house practicing their trade, adding that he would love to see blacksmithing done once a month for the public at Reed's Bridge. He pointed out it is an activity that draws a lot of visitors at the Historic Museum. He stated that the funding request is for approximately \$5,100.00, which includes the building of the forge and the refurbishing of a bellows that it presently located in his garage. He noted that he can complete the work on the bellows himself which will basically get the forge up and going but not the exterior work needed to finish closing off the roof.

He related that the second request is for additional funds to put on the Living History event, adding that the request is for \$4,500.00 which is twice what they have typically done. He explained that the reason for the increase is that Arkansas Sesquicentennial Commission is no longer providing funding for the event. He further explained that they are no longer in business but have typically given them a \$2,000.00 to \$2,500.00 grant for the event. He stated that Reed's Bridge brings in an undocumented source of funds because they have visitors coming and going. He related that with the nature of their operations, he cannot quantify how much they bring into the tax base. He stated that they do know the number of people eventually hit The Hook or Bar-B-Que Shack. He explained that people come to Reed's Bridge and spend an hour to an hour and a half walking around and then they go to get something to eat prior to going on to the Museum or some of the other sites in town.

He stated that among the reasons they are promoting Reed's Bridge and the forge is to accumulate battlefield acreage. He related that a lot of people don't understand why you would want to buy the acreage, explaining that you can't build a battlefield it is already made, the event has already happened. The question is can you keep this piece of history alive and relevant. He stated that it is not glamorous and the majority of the money generated goes toward land purchase. He further stated that the best analogy he can offer is that when you are trying to make money to Prairie Grove when they are having the reenactment and see how many visitors drop in and how much of an economic impact is made on that one weekend. He related that there are thousands of spectators. He stated that there is an increased interest factor when you have re-enactor troops maneuvering on the battlefield as they did on the historic day, adding that this potential exists for Reed's Bridge. He related that this is not "a hurry up and make money deal", this is a long term effort. He stated that he has been working out there since they started land clearing seven years ago. He related that they do a lot of in-house labor and fund raising however, there are a couple of things that they need now. He expressed his hope that the Commission would see the wisdom in what they are trying to accomplish.

Chairman/Alderman Ray stated that the Commission is not trying to make money; if we can draw visitors to Jacksonville then the money will be created.

In response to a question from Commissioner Andy Patel, Mr. Kish replied that they have two visitor logs they are constantly requesting that people sign the log. He related that the hardest group to get to sign the log that visits on a regular basis is the professional photographers. He stated that during the last calendar week, he has seen 25-30 groups of photographers making money. He further stated that there is business being generated, whether directly or indirectly. He related that they are probably pushing the better part of 100 visitors per week, which includes historians and photographers. He stated that he is starting to get visitors who are interested in nature, explaining that he is a second year master gardener. He explained that he is trying to import a few native wildflowers and is working with the high school to get some signage to attract a different type of visitor to Reed's Bridge. He stated that it is not just history but a multi-faceted approach that they are looking at regarding a broader perspective.

#### **4. Presentation: KJB 2016 Funding Request for North Gateway**

Chairman/Alderman Ray related that Mr. Moore is not present this evening but has made a funding request regarding a welcome sign for West Main Street. He stated that the welcome sign would be located just before the round-a-bout, adding that Entergy was going to donate the land for the sign.

Parks and Recreation Director Kevin House related that he has just returned from a parks and recreation conference, and noted when talking to other directors from across the state, they are getting support from their A & P Commissions as well. He related that by ordinance, the Parks Department gets half of the revenue, adding that right now that half is supplementing the Parks budget and not going for any projects. He stated that he is not asking for any specific funding requests tonight but wants to put the word out that Parks and Recreation's business is to bring people to town and that's what they do every day. He related that he hears all the time in his profession "putting heads in beds". He stated that if people are staying here, then they are eating here.

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He related that he doesn't know of anything else that brings people to town like the Shooting Range or ball fields. He added that the Shooting Range has been a huge success for their Department and the town as a whole. He noted that the ball parks are getting in bad shape, explaining that they were built in the seventies. He stated that the City needs to look at spending major funds to give the ball parks a "facelift". He related that he is still going out and "beating the bushes", noting he has a meeting set up with the slow-pitch director Wednesday and the fast-pitch director next week. He stated that they are trying to bring in the bigger tournaments to Jacksonville, explaining that the bigger tournaments are going to be multiple days and people will need a place to stay and eat. He noted that Conway's parks department receives \$2.8 million from their A & P Commission each year, explaining that a million of that is for operations and maintenance. He related that \$1.8 million per year is for projects, such as upgrading parks, new lights or whatever else is needed in the parks, noting that their budget is huge in comparison to ours. He stated that maybe we can start looking at spending some major money on Dupree and Excel Parks to try and bring those tournaments back. He related that when talking to other directors this week, a lot of their A & P Commissions are giving money to tournament directors to help bring the bigger tournaments to their towns. He stated that the new slow-pitch director questioned if there were any A & P funds available to entice the Pepsi-Busch classic, which is one of the largest slow-pitch tournaments in the nation. He noted that they play in Sherwood and Burns Park. He related that he questioned why Jacksonville couldn't get some of that and was informed that Sherwood and North Little Rock's A & P Commissions give funds to the tournament director to host that tournament. He reiterated that he is not asking for anything in particular but he wanted to inform the Commission because he was aware that budget meetings were close to beginning.

Commissioner Andy Patel stated that he was in agreement with Director House, noting that if the improvements were made, more people will come, and more business will be generated which will increase revenue. He related that the Parks Department already receives half of the Commission's revenue questioning Director House's expectations.

Director House reiterated that he is not asking for anything in particular, adding that the money received from the Commission is supplementing his budget and is not going for projects. He stated that it has been that way since the beginning of his tenure. He acknowledged that he receives \$300,000.00 to \$400,000.00 that supplements his budget.

In response to a question from Commissioner Andy Patel, Director House replied that the Commission needs to keep in mind that the Parks Department is going to need to spend some additional money for the ball parks, adding that he doesn't mind putting together some hard figures and working towards that. He stated that he is not looking for things to change in 2016 but there needs to be some planning now to keep the Parks Department on the cutting edge in the future.

Commissioner Andy Patel noted that surrounding towns are doing better and because of that Jacksonville is losing business.

**A & P Commission  
Regularly Scheduled Meeting  
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Director House acknowledged that they are fighting an image problem, adding that they are doing everything that they can in-house to change it which is why he is setting up meetings with every state director from baseball, to slow-pitch, to fast-pitch but the bottom line is that the parks are 40 years old.

Chairman/Alderman Ray thanked everyone who made a funding presentation. He stated that once the Commission's current project is completed, there will be more funds available to do the things that have been discussed.

Director House noted that at the Arkansas Recreation and Parks Association convention, they had put in for two awards for the Shooting Range and won both of them. He further noted that they won facility of the year and program of the year.

The Commission extended congratulations to Director House and staff.

**ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 6:57 p.m., next meeting November 16, 2015.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**

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**A & P Commission**  
**Regularly Scheduled Meeting**  
**November 16, 2015**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Monday, November 16, 2015. Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Ray Patel, Dee Lawrence, and Billy Hall answered roll call. Chairman/Alderman Ray also answered roll call. Present (4), Absent (3) Commissioners Andy Patel, Jim Hurley, and Alderman Kenny Elliott were absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Mayor Gary Fletcher, Director of Administration Jim Durham, Parks and Recreation Director Kevin House, Parks and Recreation Marketing and Programs Manager Marlo Jackson, DannaKay Duggar, Warren Dupree, Mike Kish, Roger Sundermeier, Kevin Cole, Laura Walker, Brad West, and Rick Kron with "The Leader" newspaper.

Chairman/Alderman Ray thanked everyone for attending. He then explained that there were not enough voting members present for a quorum. He stated the meeting would have to be re-scheduled and apologized to those in attendance.

**ADJOURNMENT:**

Chairman/Alderman Ray adjourned the meeting at 6:05 p.m. due to the lack of a quorum.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**



**A & P Commission**  
**Regularly Scheduled Meeting**  
**November 23, 2015**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in the regular meeting place of the Commission on Monday, November 23, 2015. Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Ray Patel, Andy Patel, Jim Hurley, Billy Hall, and Alderman Kenny Elliott answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (6), Absent (1) Commissioner Dee Lawrence was absent.

Others present for the meeting included: City Attorney Robert Bamburg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, Mary Gary Fletcher, Marlo Jackson, Public Works Director Jimmy Oakley, DannaKay Duggar, Warren Dupree, Mike Kish, Roger Sundermier, Mikayla Jackson, Mackenzie Jackson, and Sarah Campbell with "The Leader" newspaper.

**MINUTES:**

**Alderman Elliott moved, seconded by Commissioner Hurley to approve the minutes of the October 19, 2015 meeting as presented. Motion Carried.**

**FINANCIALS:**

Finance Director Cheryl Erkel presented the financial report for October, noting total assets of \$474,459.00 with \$301,075.00 in investments. She reported liabilities in the amount of \$102,457.00. Total revenues were reported in the amount of \$622,972.00 with expenditures of \$635,627.00, leaving an excess of expenditures over revenues in the amount of \$12,655.00.

September hotel/motel gross receipts were \$153,692.00, which is a decrease of 2% when compared to last year and a decrease of 45% regarding the month to month comparison. Finance Director Erkel related that there were a couple of hotels who had not remitted payment when the report was completed. Prepared food tax gross receipts were \$3,071,296.00, which is an increase of 1% when compared to last year and a decrease of 3% regarding the month to month comparison. She reported overall gross receipts of \$3,224,988 which is an increase of 1% when compared to last year and a decrease of 6% on the month to month comparison.

**Commissioner Andy Patel moved, seconded by Commissioner Ray Patel to approve the financial report for October as presented. Motion Carried.**

**OLD BUSINESS:**

**1. Sells Agency Contract**

Chairman/Alderman Ray related that the item of business has been removed from the agenda.

**NEW BUSINESS:**

**1. Legislative Action Pertaining to the Distribution of A & P Funds**

City Attorney Robert Bamburg related that Judge Pierce issued a ruling in a case involving Little Rock and North Little Rock and the expenditure of funds for different non-profits or private corporations. They finally got the ruling in writing in June and in another Commission meeting it was the nature of how the Commission funds some of activities funded in the budget and that the Commission would need to seek some changes regarding the 2016 and forward. He stated that the Commission did not try to affect 2015, noting that the Commission is not a party in the lawsuit but it affects the Commission from the standpoint that the ruling states the Arkansas Constitution has a provision that says public funds are not to be used to support private corporations or individuals that are not a part of the City entity. In the past, the Commission has does so through the execution of contracts with the different groups to support whatever activities there may have been going on. The difficult is Judge Pierce's ruling specifically addresses contracts and indicates that he does not find them valid whether a contract exists or not because other activities have not taken place that would authorize an expenditure of that nature like we normally do when we spend public monies. Because of that, he was unable to be at a meeting that was rescheduled for October, he understood at that point that the Commission has accepted proposals from various groups and non-profits in essentially the same manner as was done in 2015 and before and he reminded Chairman/Alderman Ray that it was something the Commission was going to have to change. He stated his opinion that even though Jacksonville is not a part of the lawsuit, now that the Commission is aware of the ruling if we fund in that matter we are going to subject ourselves to a lawsuit basically it's that simple. He related meeting with Chairman/Alderman Ray regarding the expenditures and noted that there are ways to fund the activities; they just can't be funded through the individual companies, corporations, or entities that had been legitimate expenditures for the Commission arrest in great measure to Parks and Recreation because that is the department in most municipalities that addresses advertising and promotion needs, goals, and wants. Some of these activities could be supported through Parks and Recreation and some through Public Works. It will have to be done differently than what has been done in the past or not at all. He stated that he is trying his best to prevent, to do it in a pro-active means because here is the difficulty, Judge Pierce's order addressed Little Rock's expenditure in support of their Chamber and industrial development program, since 1993 the amount was he believes around \$4.5 million, and Judge Pierce cited that as a possibility of being returned. With North Little Rock, the amount was approximately half a million round figures because they had not funded for that length of time. Neither the Commission or the City of Jacksonville is in a position to take that kind of a hit and with illegal exaction cases that is exactly what happens and he doesn't want to see the City or Commission placed in that kind of position.

He noted that the case is presently on appeal but the appeal that is involved is on a procedural matter and once it goes up on procedural it will come back to Judge Pierce's court to finish out the ruling. Once that ruling is issued, he stated he fully expects that ruling to be appealed which will then send it back to the Supreme Court. He related that there won't be a ruling in this case that will give the Commission a clear picture of what the law will be until last 2016 and all likelihood 2017. Knowing what Judge Pierce's ruling is now and how it could affect the Commission if the Commission proceeds with funding in the manner that it has in the past makes the Commission vulnerable.

Alderman Elliott confirmed that the only way the Commission could fund would be through the Parks and Recreation or Public Works.

City Attorney Bamburg concurred that the Commission could fund through Park and Recreation or Public Works if the activity specifically contributes to some type of advertising or promotion purpose or tourism. He stated that if the Commission goes to the City budget for funding, the Commission is going to have to insure that the funds go specifically to an advertising and promotion expenditure or goal, it can't just be placed into the General Fund and think that it will cover it. The expenditure has to be for a legitimate Commission purpose.

Commissioner Andy Patel questioned if this ruling applies to 2015 remaining expenditures.

City Attorney Bamburg replied that as he stated in previous meeting, going back to 2015 expenditures was not necessary at that point in time because the Commission did not have, and still doesn't have, a final ruling in this case. He further replied that going forward and what was written in June, the Commission can get away with going for the continuing part of 2015 but it doesn't mean that it is not vulnerable as it will be if the Commission were to go forward in 2016 in the same manner. He stated that he can't say that it is a black/white issue and that the Commission is totally protected one way or the other with what funded 2015 expenditures but it is less likely to be challenged than what would be if the Commission were to go forward. He stated that he can't predict what the plaintiff's lawyers are going to do, adding that they are very capable attorneys and he doesn't see them going forward in some form or fashion. He added that he is trying to do whatever he can to protect the Commission.

In response to a question from Commissioner Hurley, City Attorney Bamburg replied that the Museum of Military History is a private entity that operates separately and apart from the city where the Commission has a contract with the Museum the difficulty is fitting them under Parks and Recreation or Public Works or some other entity. He stated that the Museum remaining a separate entity creates a problem with funding, adding that the "separate entity thing" is a big hurdle for lack of a better word.

Discussion ensued with City Attorney Bamburg stating that if the Commission were to look at other Advertising and Promotion commissions, the bulk of their funds go through Parks and Recreation for different things that promote. He clarified that Parks and Recreation is the department for most public entities that has legitimate reasons that fit under Advertising and Promotion commission funding.

He related that the Commission is going to have to revise how it budgets and focus on the projects, programs, and things that the Commission knows fits the purposes under the statute and figure out what department would be best to fund them through. He reiterated that the expenditures have to fit the Commission's statutory goal to be legitimate expenditures.

In response to a question from Commissioner Hurley, City Attorney Bamburg replied that the proposed budget can't be done as it is now. The items that specifically identify a different entity that is separate and apart from the City, should not be funded in that fashion. He related that there are some extra funding circumstances that the Commission funds such as the Shooting Range and the Big Bang on the Range that are legitimate expenditures. The funds that are expensed to the LRAFB for events that brought tourists into Jacksonville, are for a government entity and are legitimate expenses. He related that expenditures to the Chamber of Commerce, Museum of Military History, and Keep Jacksonville Beautiful are expenditures that the Commission is going to have to find legitimate ways to fund them through Parks and Recreation, Public Works, or another public entity.

In response to a question regarding the Boys and Girls Club, City Attorney Bamburg stated that the Boys and Girls Club is under Parks and Recreation already but the funds can't be directly given to the Boys and Girls Club itself it must be funded through Parks and Recreation which can easily be satisfied.

In response to a question concerning the Jacksonville Historical District, City Attorney Bamburg stated that it could be an issue but noted that it is an entity that is trying to develop things on public properties. The things that they are trying to restore and create are on public property that is something that could potentially be funded through Parks and Recreation or Public Works. He surmised that the Commission may or may not have funded the Historical District in the past, in this circumstance, the Commission would not be able to fund them directly but could fund the activity because it meets the Commission's purpose but the Commission would have to fund it through the appropriate department.

Discussion ensued regarding the 2016 budget.

Mayor Fletcher asked City Attorney Bamburg to provide some clarification regarding service agreements.

City Attorney Bamburg stated that service agreements such as the ones that the Commission and the City have had in the past, were specifically addressed by Judge Pierce. Judge Pierce specifically stated that those were subterfuge, and does not believe that having a contract covers that and makes it a legitimate expenditure for various reasons and citing several agreements in that circumstance. He noted that Little Rock actually had contracts with its entities and Judge Pierce called those "inappropriate expenditures". He related that North Little Rock did not have contracts but Judge Pierce called those "equally inappropriate expenditures".

Discussion ensued regarding whether to table the budget until the December meeting or to go ahead and modify the budget. The consensus was to go ahead and modify the budget.

**2. Keep Jacksonville Beautiful 2016 Funding Request for Gateway Sign W. Main Street**

**3. Discussion/Approval 2016 Budget**

The Commission went through the existing line items under “special projects”, and it was determined that the line items for the Boys and Girls fund would be eliminated with the exception of the Jacksonville Christmas Parade, Summer Program, and After School Program which were determined to be funded through Parks and Recreation in the amount of \$8,500.00. The line items for the Chamber of Commerce were cut from the budget in the amount of \$7,500.00. It was determined that the Jacksonville Historical District could be potentially funded through Public Works. Keep Jacksonville Beautiful line items were determined to be potentially funded through Public Works. The LRAFB \$4,000.00 line item was determined to be a legitimate expenditure of the Commission. The Museum of Military History line items were cut from the budget in the amount of \$44,950.00. The Reed’s Bridge Line items were cut from the budget in the amount of \$7,531.00.

In response to a question from Commissioner Hurley, City Attorney Bamburg replied that the line item for the advertising agency is a legitimate expenditure of the Commission because the Commission has requested bids for this service.

Chairman/Alderman Ray thanked the Commissioners for their time and apologized to the entities that submitted funding requests that the Commission was unable to fund due to the recent ruling.

**Commissioner Andy Patel moved to approve the 2016 with a budget/undesignated fund of \$68,803.00 and with the removal of the designations to inappropriate groups. Alderman Elliott seconded the motion. Motion Carried.**

**ANNOUNCEMENTS:**

Recording Secretary Wilmoth read the list of upcoming events to include the Holiday Lighting Ceremony and the 58<sup>th</sup> Annual Jacksonville Christmas Parade.

**ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 7:12 p.m., next meeting Tuesday, January 19, 2016.

**CITY OF JACKSONVILLE, ARKANSAS**  
**Advertising and Promotion Commission**



**A & P Commission**  
**Special Meeting**  
**December 15, 2015**

**CALL TO ORDER:**

The Jacksonville A & P Commission met in a special meeting on Tuesday, December 15, 2015. Alderman Ray called the meeting to order at 6:00 p.m. He then delivered the invocation and led a standing audience in the "Pledge of Allegiance".

**ROLL CALL:**

Commissioners Dee Lawrence, Andy Patel, Billy Hall, and Alderman Kenny Elliott answered roll call. Chairman/Alderman Ray also answered roll call and declared a quorum. Present (5), Absent (2) Commissioners Ray Patel and Jim Hurley were absent.

Others present for the meeting included: City Attorney Robert Bamberg, Recording Secretary Nikki Wilmoth, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, William House, Mike Wilson, Warren Dupree, and Sarah Campbell with "The Leader" newspaper.

**OLD BUSINESS:**

**1. Discussion 2016 Budget**

Finance Director Cheryl Erkel informed the Commission there were some new line items added to the budget, explaining when the new lines were added; they were not included in the formulas which caused a discrepancy, adding that it was discovered when making the proposed amendments from the last meeting. She replied that the budgeted and undesignated funds are greater than what was proposed at the last meeting. She stated that the budget has been adjusted and all formulas have been cross-checked, adding that the line items for the Boys and Girls Club and the Chamber of Commerce are included however, they are listed as unbudgeted line items. She noted total budgeted and undesignated funds of \$77,803.00.

City Attorney Bamberg noted at the last meeting the Commission was informed that the expenditures were inappropriate. He stated that if they are listed on the budget, even as unfunded, that is a step that he would not take, adding that the Commission as chosen to go in that direction. He further stated that the motion should show it approved as presented.

Discussion ensued.

**Commissioner Hall moved, seconded by Commissioner Andy Patel to approve the 2016 budget as presented with the correction and removal of the amendments to "special projects". Motion Carried.**

Mr. Mike Wilson stated that he appreciates the stance that the Commission has taken on the City Attorney's advice, adding he is correct to alert the Commission on a potential problem, if and when the Supreme Court makes a ruling on the lawsuit that has been brought. Right now the City of Jacksonville is not a party to the lawsuit and is not bound by it, and will not be bound by it, until such time as the Supreme Court makes a ruling. He stated that on behalf of the Museum of Military History and the Reed's Bridge Historical Society and whoever else may receive funding, the Commission might consider and can always re-consider the budget. There may be other solutions such as placing some of the entities that receive funding directly under the City's umbrella or contracting with the provider of services like the City contracts for electricity or waste pick-up.

He noted that the Commission may have already considered those things, adding that he is sure the City Attorney has already considered it because this is a difficult proposition. He stated that right now the City and the Commission is free to do what it has always done until the Court states otherwise, which is not the situation tonight and won't be until and unless the Supreme Court makes a ruling. He expressed his hope that the Commission will re-consider applications from the entities that have been funded in the past and open a discussion about it in the not too distant future. He insisted that if the Commission enters into contracts with the entities, they insist on proper accounting based on bids and accountability that would be expected from any other public business. He expressed his appreciation to the Commission for allowing him to speak.

**ADJOURNMENT:**

With no further business, Chairman/Alderman Ray adjourned the meeting at 6:10 p.m., next meeting Tuesday, January 19, 2016.