City Council Agenda Items

12 - 6 - 11 12/18/2011 City Council Meeting Date

Agenda Items Only

John Goddard Information Technology Finance Submitted By Division Department Action Required: Name an alleyway that extends from Center St. to Dickson St. and Parallel with School Ave. There are a number of residential units that are accessed only by this alley, which is a concern for emergency response to these addresses. The proposed name for this alley is "Midtown" (see attached map). \$400.00 Category / Project Budget Program Category / Project Name Cost of this request 39,896.91 2100.5315.5212.00 Program / Project Category Name Account Number Funds Used to Date Street 1,123.09 Project Number Remaining Balance Fund Name **Budgeted Item Budget Adjustment Attached** Previous Ordinance or Resolution # Original Contract Date: Original Contract Number: City Attorney Date Received in City Clerk's Office Received in Mayor's Office Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Scott Huddleston

From: John Goddard

Date: 11/15/2011

Subject: Naming an alley 'Midtown' to aid in emergency response

DESCRIPTION:

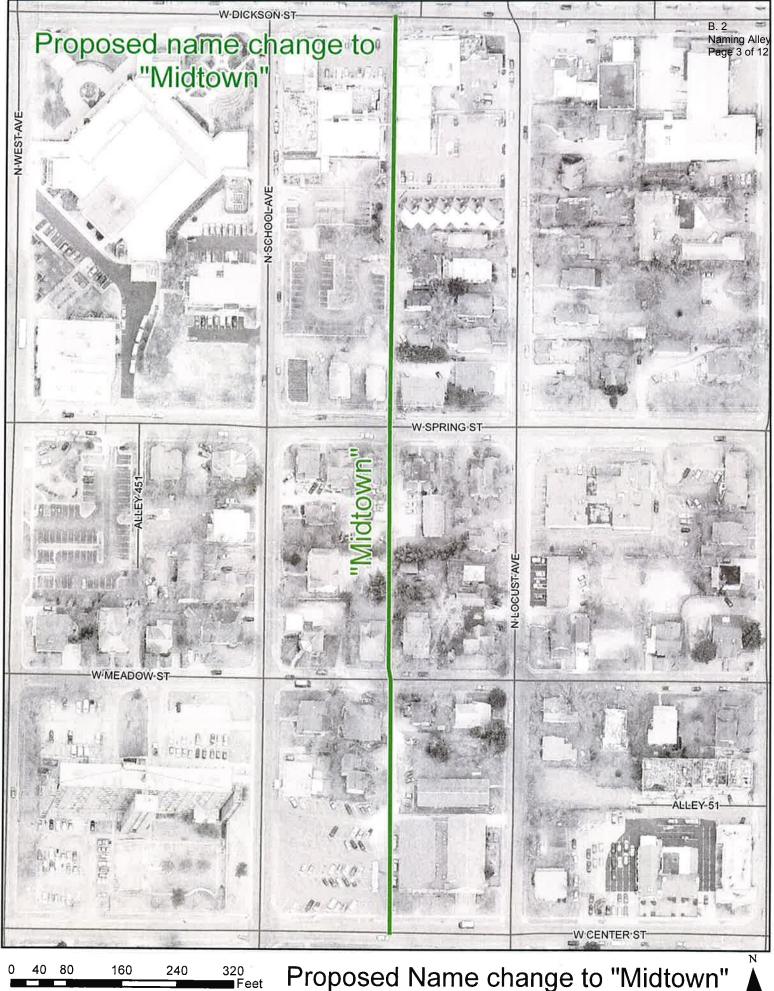
This is a proposal to name an alley. The purpose is to help emergency responders to locate residential units that are accessed from an alley. This alley extends between Center Street and Dickson Street, and paralell with School Ave (see attached Map)

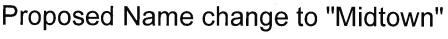
RECOMMENDATION:

Name Alleyway (currently an unnamed right-of-way) giving it the name 'Midtown'.

BUDGET IMPACT:

\$400.00 for street signs





A RESOLUTION TO NAME THE ALLEY THAT RUNS FROM DICKSON STREET SOUTH TOWARD CENTER STREET BETWEEN SCHOOL AVENUE AND LOCUST AVENUE FOR 911 PURPOSES "MIDTOWN ALLEY"

WHEREAS, some residential structures have been built behind houses in the three blocks between School Avenue and Locust Avenue south of Dickson Street; and

WHEREAS, some of these structures front only on an unnamed alley and are difficult to locate or access off the street address of the primary structure on the street which is how the 911 call is dispatched.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

<u>Section 1</u>: That the City Council of the City of Fayetteville, Arkansas hereby names the alley running north and south between Dickson Street and Center Street "Midtown Alley" to facilitate emergency 911 response.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED:	ATTEST:
n.	
By: LIONELD JORDAN. Mayor	SONDRA E. SMITH City Clerk/Treasurer

Lisa Branson - Fwd: Fayetteville alley name

From:

Don Marr

To:

Branson, Lisa

Date:

12/6/2011 9:58 AM

Subject: Fwd: Fayetteville alley name

Lisa - This was address to the City (in my email) So I wanted to make sure that the Council gets this for tonight. Thanks,

Don

Don Marr



Chief of Staff for Mayor Jordan 113 W Mountain Street Fayetteville, AR 72701

Office: 479-575-8330

For TDD: (Telecommunications Device for the Deaf)

Dial 479-521-1316

Email: dmarr@ci.fayetteville.ar.us Website: www.accessfayetteville.org

>>> <gailgood@comcast.net> 12/6/2011 9:50 AM >>>

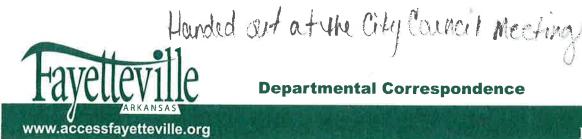
Matthew:

My name is Gail Goodrum: my husband and I own rental property on N. Locust, some of which fronts on the aforementioned alley. In all fairness, do any of the people who want to use a name from a fictional literary fantasy have any vested interest in the alley's name other than that it is "funky"? What those of us who are primarily involved with this situation are trying to do is to simplify the address and identify the alley so that emergency services can easily identify our properties. Finding a fanciful name seems unnecessary and potentially problematic. MidTown is descriptive of the location in the middle of the entertainment area.

Unfortunately, we are not in town and cannot attend the council meeting. I would ask that you take our concerns seriously; we feel strongly that using a name from Harry Potter is not the best solution to problems we are hoping to address with the naming of the alley.

Thank you.

Gail and Randy Goodrum



Departmental Correspondence

LEGAL DEPARTMENT

> Kit Williams City Attorney

Naming Alley Page 6 of 12

Jason B. Kelley Assistant City Attorney

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: JASON B. KELLEY, ASST. CITY ATTORNEY

DON MARR, CHIEF OF STAFF CC:

KIT WILLIAMS, CITY ATTORNEY

DATE: DECEMBER 6, 2011

RE: USE OF TRADEMARKED NAME FOR CITY ALLEY OR STREET

After learning that a proposal might be brought forward to name an alley in the City "Diagon Alley" as a specific reference to that name's use in the Harry Potter novels, I became concerned about potential federal trademark and/or copyright issues.

The mark "Diagon Alley" is registered with the U.S. Patent and Trademark Office. The mark was filed by Time Warner Entertainment Company, L.P. The last listed owner of the mark is Warner Bros. Entertainment, Inc.

Use of a trademark without the trademark owner's consent may cause legal issues for the City, unless such use could be considered "fair use" under applicable federal law. I am not in a position at this time to determine whether using the name "Diagon Alley" would be "fair use," but since the naming appears to be directly related to taking advantage of the name's notoriety as part of the Harry Potter fictional world, I am doubtful. Only a court could provide an ultimate answer. I am, admittedly, not an expert in the area of intellectual property law. To provide more detailed answers will require more legal research and study.

If it is the Council's desire to use this name, I recommend direct contact be made with the trademark owner to seek permission, lest the City may be unintentionally exposing itself to legal liability. At a minimum, more legal research should be done to determine the City's right to use the name "Diagon Alley" if the Council desires to do so.



Summary of comments re: Alley

For Midtown Alley:

- 1. Cathy Bass landlord with residential properties facing the alley
- 2. Gail Goodrum a second landlord with residential properties facing the alley

This comment was against "Midtown Alley" but made no other suggestion: "Burgerboy" says: "'Midtown' is north of North Street, south of Herman's. The 'midtown' name doesn't fit."

For Shipley, Schuler, or Bakery Alley (suggestions with historical significance):

- 1. Evan McDonald
- 2. "dw"
- 3. Holly Teaff
- 4. Casey Willits also supports Knockturn Alley, another alley from Harry Potter
- 5. David Franks
- 6. Rob Sharp

For Diagon Alley

People with businesses in the alley

- 1. Sarah Varga (owner of Sideways and Ryleigh's)
 - a. Diagon is more memorable, better for business, more fun. Midtown is boring.
- 2. Tony Brunyaseng (Chef and Manager at Wasabi)
 - a. No preference, if had to make a choice, would choose Diagon. Thinks Midtown is a little confusing for a downtown location

Emails from:

- 3. Roger Haak "Please. Let's be creative and fun. I'm not the biggest Harry Potter fan, but I'm all about being intelligent and interesting. If Austin can be weird, why can't we take the "Keep Fayetteville Funky" to another level?"
- 4. Kara Morehart "Diagon Alley? YES! ... Diagon Alley sounds AMAZING. ..."
- 5. Michael Ramirez
- 6. Kathy Ramirez "... The Harry Potter series has had such a positive impact in my life. It started my love of reading. ..."
- 7. Hannah Mills (Manager at Dickston St Inn and A&P Commissioner) 'It would really add a fun twist to Dickson."

Other selected comments, from Fayetteville Flyer and Facebook:

- "Lacy" "I love this so much I can hardly stand it."
- 9. Judith Levine "What a great idea! I love that this is close to 'Sideways' !!!
- 10. A city employee (wishes to remain anonymous) "I think that is outstanding, and it is so Fayetteville. I told a friend of mine and she started laughing and she said 'I LOVE IT'. So I just wanted to express my support. I think it's great. I hope they vote for that."
- 11. Kelly Eubanks "This is awsome.. hope it passes! Keep Fayetteville Funky:)"

- 12. "djstorms" "I have never read a Harry Potter book and am not particularly fond of the movies but this would be awesome. What would be "funkier" than an alley named after Harry Potter?"
- 13. "innarested Observer" "Great idea. Give the people what they want! Show some imagination, muggles..."
- 14. a. brown "LOVE LOVE LOVE"
- 15. "George" "... I'm all for Diagon Alley. New street/alley names aren't generally up for vote. The only reason this one is even being discussed is b/c someone had the quirky idea to start a push for Diagon Alley. Don't hijack their inpiration."
- 16. Debra Lyon "I vote for diagon alley. midtown alley is just too plain. let imagination run."
- 17. Mary Wells Murphy "Too fun, why should big cities be where all the cool stuff is!!!" And there were four comments in support for naming it after a different alley from Harry Potter (Knockturn Alley).

Trademark info

Three trademarks exist containing the word "Diagon"

The oldest is held by an individual, Susan Fowler, for a brand of comforters

The other two are held by Warner Bros. and Time Warner

- One is for toys and sporting goods
- The other is for paper goods (books, coloring books, posters, etc)

USPTO information on trademarks (from uspto.gov):

A trademark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of the **goods** of one party from those of others.

USPTO definition of goods: "goods are products."

Name

- 1 Aaron Gibson
- 2 Aileen Ramos
- 3 Aleta Wright
- 4 Alex Barry
- 5 Alexandra Magness
- 6 Alicxandromoda Roffino
- 7: Alison Alison
- 8 Allen Fields
- 9 Allyn Jordan
- 10 Amber Marlene
- 11 Amelia Schembra
- 12 Amy Brown
- 13 Amy Leigh Lolmaugh
- 14 Andrea Love
- 15: Andrew Mayer
- 16 Angela Bishop
- 17 Angela Gardner
- 18 Anna Pope
- 19 Annye DeGrand
- 20 Ashley Franklin
- 21 Ava Adams
- 22 Banah Ghadbian
- 23 Betony Weakly Maringer
- 24 Blake Ogilvie
- 25 Blake Pennington
- 26 Blake Rogers
- 27 Brad Shepherd
- 28 Brandy Allen
- 29 Brandy Kilpatrick
- 30 Breana Patterson
- 31 Brian Larsen
- 32 Brittany C. Nims
- 33 Brittany Kanakis
- 34 Brittany Rodgers
- 35 Bruce Drebenstedt
- 36 Brynn Boyd Wright
- 37 Caitlin Rose
- 38 Carla Jean Anderson
- 39 Cassy Dominick
- 40 Charlene Gretsch
- 41 Charles Alison
- 42 Chase Goforth
- 43 Cindy Bruce
- 44 Clayton Suttle
- 45 Colby Ward
- 46 Cory Whorton
- 47 Courtney Norris
- 48 Crystal Powe
- 49 D'Iorah Lynn Hughes
- 50 Dan Clark
- 51 Danielle Sanchez
- 52 Danna Gardner
- 53 Darcy Olmstead
- 54 David Whitaker
- 55 Debra Lyon

56	6 Diana Howard	
57	7 Diana M. Shepherd	
	3 Dominque Mitchell	
	Elizabeth Bullock-Rest	
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	Jeffery Maples	
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	Jennifer White Vickers	
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91	Jonathon Owens	Ì
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93	Karen Pownall	
94	Kari Brown	ì
95	Kathleen Lehman	
96	Katie Elizabeth	
97	Katy Bittle	1
98	Kayleia Haley	j
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101	Kevin Lyon	-
	Kristie Michelle Flournoy	
	Kristin Loman	1
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- 112 Malcom Buckelew
- 113 Marco-Adrian Ramos
- 114 Marisa Grippo
- 115 Mark Prime
- 116 Matthew Petty
- 117 Meagan Breaux
- 118 Megan Muncle
- 119 Megan Pearson Hargus
- 120 Melissa Juchau
- 121 Melissa Kelly Williams
- 122 Michael Ramirez
- 123 Mike Stephens
- 124 Misty Smith Erickson
- 125 Mithell Priest
- 126 Mitzi Miller
- 127 Molly Mehl
- 128 Neil Heller
- 129 Nick Vargas
- 130 Nicole Powell
- 131 Olivia Michelle
- 132 Pat Dallas
- 133 Penny Gray
- 134 Rachel Starr Mize
- 135 Raymond Anders
- 136 Rhiannon Hicks
- 137 Robert Warner
- 138 Roger Donham
- 139 Sabrina Rivera
- 140 Sandra Caudle Allred
- 141 Sara Dent Sawyer
- 142 Sarah E. King
- 143 Sarah Spiegel
- 144 Shannon Wallace
- 145 Sherri Goff
- 146 Shiew-Wen Tyler Tan
- 147 Stacey Clay Rupar
- 148 Stan Rankin
- 149 Stephanie Crawley Burroughs
- 150 Stewart McAlexander
- 151 Tabitha Ann Goebel
- 152 Tabitha Raimer Orr
- 153 Tara Jo Kelly
- 154 Tess Dominick
- 155 Tina Demrest
- 156 Tonya Wright
- 157 Trisha Ann Lucas
- 158 Vincent Grossi
- 159 Wanda Parr
- 160 Wes Warner
- 161 Will Watari Phillips
- 162 Yasmin Geradts
- 163 Zachary Jones McHardy
- 164 Zack Wakefield
- 165 Zessna Garrcia
- 166 Zoe Smith Carrier