

City of Fayetteville Staff Review Form

City Council Agenda Items

B. 2
Naming Alley
Page 1 of 12

12-6-11

~~12/18/2011~~City Council Meeting Date
Agenda Items Only

John Goddard 1 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	\$ 41,020.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5315.5212.00	\$ 39,896.91	
Account Number	Funds Used to Date	Program / Project Category Name
	\$ 1,123.09	
Project Number	Remaining Balance	Street
		Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐


 11/15/2011 Previous Ordinance or Resolution #
 Department Director Date

 11/16/2011 Original Contract Date:
 City Attorney Date

 11-16-2011
 Finance and Internal Services Director Date

 11-16-11
 Chief of Staff Date

 11/17/11
 Mayor Date

11-15-11 P04:34 RCVD
 Received in City
 Clerk's Office


Received in
 Mayor's Office


Comments:

Tabled to 12/20/11 CC mtg.

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Scott Huddleston *SA*

From: John Goddard *JG*

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 parallel 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

W DICKSON ST

Proposed name change to
"Midtown"

N WEST AVE

N SCHOOL AVE

W SPRING ST

"Midtown"

N LOCUST AVE

ALLEY 451

W MEADOW ST

ALLEY 51

W CENTER ST

0 40 80 160 240 320 Feet

Proposed Name change to "Midtown"



RESOLUTION NO. _____

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:

Section 1: 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:

By: _____
LIONELD JORDAN, Mayor

By: _____
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



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: JASON B. KELLEY, ASST. CITY ATTORNEY



CC: DON MARR, CHIEF OF STAFF
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.

Handed out at the City Council Meeting
12/6/11 "Midtown Alley"

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:

8. "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 awesome.. 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 inspiration."
 16. Debra Lyon - "I vote for diagon alley. midtown alley is just too plain. let imagination run."
 17. Mary Welis 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	Diana Howard
57	Diana M. Shepherd
58	Dominique Mitchell
59	Elizabeth Bullock-Rest
60	Elon Turner
61	Eric Jackson
62	Erica Hutchison
63	Erin Patterson
64	Forster McAlexander
65	George Kuharick
66	Grace Henderson
67	Grace Law
68	Grege Lose
69	Gwenleif Irene
70	Hannah Lou Mills
71	Heather Wyman Kelso
72	Hilary Elizabeth Long
73	Jade Terminella
74	Jannifer ale
75	Jasmine Rose
76	Jayston Landon
77	Jeffery Maples
78	Jenifer Haynes
79	Jenni Watts
80	Jennifer Longstreth
81	Jennifer White Vickers
82	Jessica Keahey
83	Jessica Suzanne
84	Jessie Smith
85	Jimmy Ray
86	JoAnna Holt
87	Joe Boyer
88	John Banks
89	Jojo Stewart
90	Jonathan Dupree
91	Jonathon Owens
92	Judith Robinson Levine
93	Karen Pownall
94	Kari Brown
95	Kathleen Lehman
96	Katie Elizabeth
97	Katy Bittle
98	Kayleia Haley
99	Kelly Hampton Eubanks
100	Kenny Geroge
101	Kevin Lyon
102	Kristie Michelle Flournoy
103	Kristin Loman
104	Ky Smith
105	Kyle Smith
106	Laura Justiss Zehr
107	Laura Whitfield
108	Lauren Hope
109	Lindsey Wimberly
110	Lukas Dange Malone
111	Macleod Dent Otter-Sawyer

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