

City of Fayetteville Staff Review Form

City Council Agenda Items  
and  
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date  
Agenda Items Only

*gm*  
Julie McQuade, Community Outreach Coordinat  
**Submitted By**

**Division**

Communication & Volunteer Services  
**Department**

Action Required:

City Council approval of an ordinance to amend Chapter 114.03 First Thursday Fayetteville: subsection (B) to add additional locations for the event to include the block of all streets forming the downtown historic square (Center, Block, Mountain, and East).

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

*David Smith* 2-17-12  
 Department Director Date

*Kenner* 2-17-12  
 City Attorney Date

Previous Ordinance or Resolution # 5392

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*Paul a. Beck* 2-21-2012  
 Finance and Internal Services Director Date

Received in City Clerk's Office 02-17-12 P01:56 RCVD  
*Kenner*

*Don Mar* 2-21-12  
 Chief of Staff Date

Received in Mayor's Office  
 ENTERED 2/21/12 BCP

*Leonard Jordan* 2/22/12  
 Mayor Date

Comments:

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan and City Council

**Thru:** Lindsley Smith, Communications & Volunteer Services *LS*

**From:** Julie McQuade *JM* Community Outreach Coordinator

**Date:** February 28, 2012

**Subject:** First Thursday Fayetteville

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**PROPOSAL:** The City Administration is requesting an ordinance to amend Chapter 114.03 (B) of the Fayetteville Code to include the blocks which form the downtown square of Block, Center, East, and Mountain Streets and parking spaces on both sides of these blocks for the First Thursday Fayetteville monthly cultural arts event, except for a turning lane allowing traffic from Center Street to turn north onto East Street and a turning lane allowing traffic from Block Street to turn west onto Center Street.

**RECOMMENDATION:**

In 2010, Ordinance 5307 amended Chapter 114 of the Fayetteville Code to establish the First Thursday Fayetteville cultural arts event on the Fayetteville downtown square during the months of April through November annually. In 2011, Ordinance 5392 amended Chapter 114.03 (b) of the Fayetteville Code to expand the space allowed to meet the growth of the successful monthly arts event. This amendment added the block of Mountain Street between East and Block Streets to the area allowed for location of this event which was originally the block of East Street between Mountain and Center Streets.

Once again, the success of this event has contributed to a need for additional space to meet the continued growth. First Thursday Fayetteville continues to bring cultural arts to the public; increasing revenues for local artists, merchants and restaurants in the area; and providing opportunities for local non-profits to raise funds for their programs.

In order to accommodate the growth of this monthly cultural arts event, city staff recommend adding the block of Center Street between East and Block Streets and the block of Block Street between Mountain and Center Street to the allowed location for this event, provided that a turning lane is left open at the intersection of East and Center Streets and at the intersection of Block and Center Streets to allow traffic to turn north onto East Street and west onto Center Street.

**BUDGET IMPACT:**

There is no budget impact.

## Julie McQuade - RE: City ordinance request

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**From:** "Tanner Montgomery" <tmontgomery@experiencefayetteville.com>  
**To:** "Julie McQuade" <jmcquade@ci.fayetteville.ar.us>  
**Date:** 2/16/2012 4:07 PM  
**Subject:** RE: City ordinance request  
**Attachments:** FirstThursdayExpansionSupport.pdf

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Julie,

Thank you very much for following up on this. I just got finished with it actually. To add, The Mustache's only concern was how we will block off the intersection of Block and Center. To answer that, we will only partially block it off, to where cars may still come up Block and turn onto Center to be able to park behind the Block Street Square Merchants. To address UPS deliveries if any may arise, our workers at the intersection will just let the trucks through and then close the street back off. Arvest's concern was to ask if we could let traffic still pass through Center Street up until 5:00, and we will only block off parking spots on Center Street because of that concern.

Most of everybody I spoke with around the square seems to be in full support of this expansion, and even very excited about it. Thank you once again for all your help and everything you do for us. Please let me know if you need any additional information. Have a great day!

Tanner Montgomery  
Visitor Services Manager  
Fayetteville Visitors Bureau  
479-521-5776  
[www.experiencefayetteville.com](http://www.experiencefayetteville.com)  
[www.firstthursdayfayetteville.com](http://www.firstthursdayfayetteville.com)

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**From:** Julie McQuade [mailto:jmcquade@ci.fayetteville.ar.us]  
**Sent:** Thursday, February 16, 2012 3:34 PM  
**To:** Montgomery, Tanner  
**Subject:** RE: City ordinance request

Tanner,

Do you have the information to send me? I've got to get the agenda package approved tomorrow and it has to go through a few offices to do that.

Thanks,  
Julie

Julie McQuade  
Community Outreach Coordinator  
City of Fayetteville  
113 West Mountain, Suite 320  
Fayetteville, AR 72701  
(479) 575-8302  
[www.accessfayetteville.org](http://www.accessfayetteville.org)  
TDD (Telecommunications Device for the Deaf) 479-521-1316

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>>> On 2/14/2012 at 3:26 PM, "Tanner Montgomery" <[tmontgomery@experiencefayetteville.com](mailto:tmontgomery@experiencefayetteville.com)> wrote:

Alright sounds good. So then I will email all information to you. Marilyn had mentioned Friday that she had spoken with Kit a couple of weeks ago and he said everything was good for him. Please let me know if there is more I need to take care of. Thanks again.

Tanner Montgomery  
Visitor Services Manager  
Fayetteville Visitors Bureau  
479-521-5776  
[www.experiencefayetteville.com](http://www.experiencefayetteville.com)  
[www.firstthursdayfayetteville.com](http://www.firstthursdayfayetteville.com)

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**From:** Julie McQuade [<mailto:jmcquade@ci.fayetteville.ar.us>]  
**Sent:** Tuesday, February 14, 2012 1:55 PM  
**To:** Montgomery, Tanner  
**Subject:** Re: City ordinance request

Scanning it is fine. Have you talked to Kit Williams yet?  
Julie

Julie McQuade  
Community Outreach Coordinator  
City of Fayetteville  
113 West Mountain, Suite 320  
Fayetteville, AR 72701  
(479) 575-8302  
[www.accessfayetteville.org](http://www.accessfayetteville.org)  
TDD (Telecommunications Device for the Deaf) 479-521-1316

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>>> On 2/14/2012 at 1:53 PM, "Tanner Montgomery" <[tmontgomery@experiencefayetteville.com](mailto:tmontgomery@experiencefayetteville.com)> wrote:

Julie,

I have notified all of the business and property owners around the square, and did not have many comments or concerns expressed to me. I do however have many signatures from them stating that they are in favor of the expansion of First Thursday Fayetteville to all four streets on the square. I have all of the information I have in a folder together. Would you like me to bring you the folder with all of it, or would you rather us scan it and send it all electronically?

**TO: Mayor Jordan  
City Council**

**Kit Williams  
City Attorney**

**Jason B. Kelley  
Assistant City Attorney**

**CC: Don Marr, Chief of Staff  
Lindsley Smith, Communications & Marketing Director  
David Dayringer, Fire Chief**

**FROM: Kit Williams, City Attorney**



**DATE: February 21, 2012**

**RE: First Thursday expansion to close all streets around the Square**

I have drafted an ordinance to amend §114.03 **First Thursday Fayetteville** as requested by Julie McQuade and Lindsley Smith (and evidently by the Fayetteville Convention and Visitors Bureau). My wording would allow vehicular traffic to approach the Square from all directions, but require right turns only (away from the Square) at all four intersections (not just the two which were requested).

When reviewing the e-mail documentation for this request, I noted an e-mail from Tanner Montgomery which stated: "Marilyn had mentioned Friday that she had spoken with Kit a couple of weeks ago and he said everything was good for him." My memory of that very brief discussion was my concern that the businesses and offices around the Square might be adversely affected by this expanded closure of streets and parking. I do believe that the City Council has great discretion in determining how traffic can use city streets to include temporary closing of city streets for special events. Therefore, the proposed monthly closure of all streets around the Square is probably legal.

I do wonder why First Thursday's administrators need twice as much street closure than the Saturday morning Farmers' Market (four blocks as opposed to two blocks). This amendment also grants double the parking space closures on Center Street and Block Avenue to the Convention and Visitors Bureau than what is provided to the Farmers' Market. This is a policy determination for the City Council to decide.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND §114.03 FIRST THURSDAY FAYETTEVILLE TO CLOSE ALL STREETS AROUND THE SQUARE FROM 4:00 P.M. TO 10:00 P.M. DURING FIRST THURSDAY AND TO GIVE CONTROL OF ALL PARKING AROUND THE SQUARE (BOTH INSIDE AND OUTSIDE) TO THE FAYETTEVILLE CONVENTION AND VISITORS BUREAU DURING FIRST THURSDAY**

**WHEREAS**, the Fayetteville Convention and Visitors Bureau and City Administration recommend that all vehicles be prohibited from using all streets around the Square from 4:00 P.M. until 10:00 P.M. on the first Thursday of every month from April through November; and

**WHEREAS**, the Fayetteville Convention and Visitors Bureau and City Administration recommend that the Fayetteville Convention and Visitors Bureau be given exclusive control over all parking places around the Square to include both inside and outside parking spaces.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.03 **First Thursday Fayetteville** (B) *Location, parking restrictions and administration* by repealing this subsection and enacting a replacement subsection (B) as shown below:

*“(B) Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street, along both sides of Center Street between East Avenue and Block Avenue, along both sides of Block Avenue between Center Street and Mountain Street, and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between

4:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street, Center Street between East Avenue and Block Avenue, Block Avenue between Center Street and Mountain Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday Fayetteville event.”

**PASSED** and **APPROVED** this 6<sup>th</sup> day of March, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

Current Law

FAYETTEVILLE CODE OF ORDINANCES  
TITLE XI BUSINESS REGULATIONS

CHAPTER 114: FOOD SALES

**114.01 Drive-In Restaurants**

- (A) A drive-in restaurant, within the meaning of this chapter, shall be deemed to be any restaurant where meals, sandwiches, ice cream, or other food, is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles, or other vehicles parked on the premises.
- (B) Prohibited Acts.
  - (1) It shall be unlawful for any person, while on or adjacent to the premises of a drive-in restaurant, to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made, any other loud or unseemly noise.
  - (2) It shall also be unlawful for any other person parked on the premises of such restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while so parked.
  - (3) It shall be unlawful for any patron or other person on the premises of a drive-in restaurant, whether in or out of an automobile, to drink any intoxicating beverage of any nature.
  - (4) It shall be unlawful for a group of three or more persons to congregate and linger at any location on the premises of a drive-in restaurant. Persons so congregating and lingering shall be deemed guilty of loitering. No person shall drive a motor vehicle on to the premises of a drive-in restaurant and then from said premises without parking such motor vehicle, unless there is no unoccupied parking space available on said premises.
  - (5) It shall be unlawful for any person to leave any unoccupied motor vehicle on any drive-in restaurant parking lot and to leave the premises thereof, except with the knowledge and consent of the operator of the restaurant.

(Code 1965, §§7A-1, 7A-3, 7A-4; Ord. No. 1706, 10-6-69; Code 1991, §114.01)

Cross reference(s)--Penalty, §114.99(A).

**114.02 Farmer's Market**

- (A) *Establishment, location, and parking restrictions.* A farmers' market is hereby established in the city.

This marketplace shall be located on the interior parking spaces (those parking spaces adjoining the Old Post Office) of the Downtown Square. In addition, on Saturdays only, parking spaces on the east side of the East Street on the Downtown Square shall be available for vendors by closing the street to through traffic. Vendors shall be permitted to park their vehicles at right angles to street curbs provided that no vehicle shall be permitted to extend into the street in such a manner as to obstruct the free flow of traffic, and no vehicle shall be parked within 15 feet of any fire plug. All public sidewalks around the Square shall remain freely available to the public with the inside two-thirds width of the sidewalks free from any tables, booths or displays. Farmers' Market vendors may occupy no more than one-third of the width of the sidewalk directly in front of their assigned parking space. As long as pedestrian traffic is not obstructed or hindered, the corners of the Square's sidewalks and any unoccupied space around the outside third of the sidewalk can be used during the authorized hours and days of the Farmers' Market for government communication, free speech and acoustic music purposes. No sound amplification devices may be used.

- (B) *Days and hours.* The Farmers' Market may be open and operating Tuesdays and Thursdays from 6:00 a.m. until 1:00 p.m. and on Saturdays from 6:00 a.m. until 2:00 p.m. from April until Thanksgiving.
- (C) *Articles permitted to be sold.* The following articles may be sold at the marketplace established hereby: vegetables, honey, raw juices, molasses, fruit, and other produce grown by the vendor thereof, plants, art work, craft work, and other processed farm products produced by the vendor thereof. All products sold at the marketplace must be produced in compliance with all applicable regulations of the State Department of Health.
- (D) *Sanitation.* At the close of each market day, each vendor shall be required to leave the marketplace in a clean and sanitary condition, free from debris and insects.
- (E) *Fee.* The fee to be paid by each vendor for the use of the marketplace shall be \$5.00 per year plus ten percent of gross proceeds realized by the vendor from sales at the marketplace.
- (F) *Use of public streets for business prohibited; exception.* It shall be unlawful for any person to use any public street, public parking place, or public



*Current*

FAYETTEVILLE CODE OF ORDINANCES  
TITLE XI BUSINESS REGULATIONS

sidewalk, as a place of business except as authorized by this section; provided, any merchant whose building is adjacent to a public sidewalk may conduct business thereon if pedestrian traffic is not obstructed thereby; provided further, the City Council may approve temporary use of a public street, place, or sidewalk as a marketplace where such use is part of an event, activity, or celebration of general public interest. The City Council may impose reasonable conditions on such use as are necessary to safeguard the public health, safety, and welfare.

(G) *City laws and regulations prevail over Rural Mountain Producers Exchange Board policies.* If the Mayor determines that a policy of the Rural Mountain Producers Exchange Board concerning its operation of the Farmers' Market on city property violates the law or city regulations, such policy shall be revoked and no longer operative. The Rural Mountain Producers Exchange Board may appeal such revocation of any of its policies to the City Council.

(Code 1965, §13-14; Ord. 2040, 8-20-74; Ord. No. 2846, 8-17-82; Ord. No. 2862, 10-5-82; Ord. No. 2925, 6-7-83; Code 1991, §114.03; Ord. No. 4045, §1, 7-15-97; Ord. No. 4248, 6-6-00; Ord. 5309, 4-6-10)

Cross reference(s)--Penalty, §10.99.

State law reference(s)--Maintenance and regulation of markets, A.C.A. §14-140-101.

**114.03 First Thursday Fayetteville**

- (A) Establishment, hours and dates. First Thursday Fayetteville is hereby established. This monthly event shall run on the first Thursday of every month from April through November during the hours of 4 P.M. through 10 P.M.
- (B) *Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue or Mountain Street between 4:00 P.M. and 10:00 P.M on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday

Fayetteville event.

(C) *Articles permitted to be sold.* Only objects of art or craft produced and sold by a local artist or craftsman may be sold at the First Thursday Fayetteville event. The Fayetteville Convention and Visitors Bureau is empowered to assign precise locations for any vendors wishing to display or sell their personally created art or craft work.

(D) *Sanitation.* At the close of a vendor's operation (no later than 10:00 P.M.), the vendor shall clean the immediate area around the vendor's operation and ensure that all trash and debris are removed and properly discarded.

(Ord. 5307, 3-16-10; Ord. 5392, 3-15-10)

**114.04-114.98 Reserved**

**114.99 Penalty**

Any person found guilty of violating any of the provisions of §114.01 shall be deemed guilty of a misdemeanor and shall be fined not more than \$100.00.

(Code 1965, §7A-2, 11-5; Ord. No. 786, 9-2-35; Ord. No. 1706, 10-6-69; Code 1991, §114.99; Ord. No. 4045, 7-15-97)

*This is proposed to  
be amended*



Tanner Montgomery  
Visitor Services Manager  
Fayetteville Visitors Bureau  
21 S. Block Ave  
479-521-5776  
800-766-4626

[www.experiencefayetteville.com](http://www.experiencefayetteville.com)

[www.firstthursdayfayetteville.com](http://www.firstthursdayfayetteville.com)

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*Consider the environment before printing this email.*



Kirsten Blonkers approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

KIRSTEN BLONKERS



Tanya Nelson approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

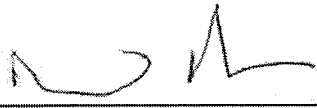
Tanya Nelson, SR BOA Edward Jones.



I Robert Baker of Edward Jones approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

*Robert Baker*  
2/7/12



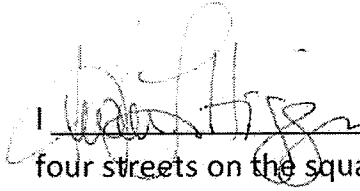
I  approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

David Adams, Fine Jewelers



Dustin House - owner  
1 FRESCO CAFE & PUB - approve of First Thursday Fayetteville expanding to all  
four streets on the square (Mountain, Block, East, Center).



I  approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

KEVIN L. HIGGINS  
NU Fayetteville Images





I Travis Lorton approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

*Travis Lorton*

Tiny Tim's Pizza on the Square.



I India Hammond approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Mike Ross (Chairman) approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Suzanne Billings approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

*Suzanne Billings*  
Hip To Be Me



I Andrew G. [Signature] for Bliss Cupcake Cafe LLC approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



Timothy Ageran approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



*[Signature]* approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

*Dangade Pias.*



I CONRAD ODOM approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).





*CENTER FOR MISSION 26 W. CENTER*  
I MOBILIZATION approve of First Thursday Fayetteville expanding to all  
four streets on the square (Mountain, Block, East, Center).

**U.S. CENTER  
FOR WORLD MISSION**



**John B. Sewall**  
Administrative Director  
Mobilization Division A

P.O. Box 3586  
Fayetteville, AR 72702  
479 587 9598 xt 107  
john.sewall@uscwm.org  
Mobile 501 580 5100



I, Mo Elliott (Fayettechill) approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



*Lynn F. Wake* approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Brenda Turner approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

1. Alf N. ML, Alfred N. Milam  
2. Tracey Jeffers

## Tanner Montgomery

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**From:** Nick Jones <jicknones1@gmail.com>  
**Sent:** Tuesday, February 07, 2012 3:35 PM  
**To:** Tanner Montgomery  
**Subject:** Lavish - First Thursday Experience

Tanner-

First Thursday is probably one of the most community oriented reoccurring events Fayetteville has to offer, in my eye's. I really enjoy the outdoor experience where you can not only view some amazing art, but you can connect with your neighbor's, and make a few new friends as well. The fact that the city offers this kind of event speaks volumes on the level of "cool-ness" Fayetteville actually has. My friends and I ride our longboard's up to First Thursday, get off, and have a good time each time! Thanks for all you've done with the event, I'm excited to see what we can build it up to as a community. Let me know if I can ever help out!

Best,

Nick Jones  
Founder - Lavish Longboards

## Tanner Montgomery

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**From:** Chris Hargis <chriskhargis@gmail.com>  
**Sent:** Tuesday, February 07, 2012 4:47 PM  
**To:** tmontgomery@experiencefayetteville.com  
**Subject:** First Thursday

Dear Tanner,

I have heard that you are trying to get the city council to extend the area covered by First Thursday to the entire square. I think this is a fantastic idea. I work in the area and live in the historic division and absolutely love First Thursday. It is a great way to stay in touch with the neighborhood and community. I love walking to the square and enjoying the local merchants and products they are selling. If this happens there is no doubt in my mind that when spring time comes around it would create a wonderful event. I think things like this are very important to our local community and businesses. If there is anything I can do to help or if you need any signatures please let me know. Good luck.

Sincerely,

Chris Hargis

**Tanner Montgomery**

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**From:** Tymthy Aieran <faewicca@gmail.com>  
**Sent:** Thursday, February 09, 2012 1:30 PM  
**To:** Tanner Montgomery  
**Subject:** Re: First Thursdays

Tanner Montgomery  
Manager Visitor Services  
21 S. Block Avenue  
Fayetteville, AR 72701

Mr. Montgomery,

I am writing to tell you that I moved my salon to the square on August 2, 2011. I had been wanting to attend the First Thursdays on the Square for a while and was unable due to the location of my previous salon. Since moving to Square, I have not missed a single First Thursday. In fact, I close my salon an hour early just so I can attend First Thursday. So, yes, I am in favor of expanding First Thursday to the entire square. It will only add to the flavor of the Fayetteville Square and expand the things to see and do on the First Thursdays.

Thank you,

--  
Tymthy Aieran  
Owner / Stylist  
Tymthy's Salon  
26 W. Center St. Ste. 201  
Fayetteville, AR 72701

