

AGENDA REQUEST

FOR: COUNCIL MEETING OF May 21st, 2013

FROM:

STREET COMMITTEE CHAIRMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:


An Ordinance To Amend Article XVI City Council Street Committee of the Code of Fayetteville to change the name of the Committee and to expand the areas in which the Committee can study and make recommendations

APPROVED FOR AGENDA:



Matthew Petty, Chairman

5-7-2013
Date



City Attorney Kit Williams
(as to form)

5-6-2013
Date

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Chris Brown, City Engineer

FROM: Kit Williams, City Attorney



DATE: May 6, 2013

RE: Ordinance to rename City Council Street Committee and to expand its areas to study and make recommendations to the City Council

The City Council Street Committee has recommended the attached ordinance to the rest of the City Council for your consideration and approval. This ordinance would amend the current City Code section on the Street Committee by changing its name to the City Council Transportation Committee and extend its range of subjects to other transportation subjects such as transit and trails.

I have also attached the current law and the marked up copy from City Engineer Chris Brown that shows all the proposed changes and where the current law has been proposed for amendment.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE XVI **CITY COUNCIL STREET COMMITTEE** OF THE CODE OF FAYETTEVILLE TO CHANGE ITS NAME AND PROVIDE ADDITIONAL AREAS FOR IT TO STUDY AND MAKE RECOMMENDATIONS TO THE FULL CITY COUNCIL

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 Article XVI **City Council Street Committee** of Chapter 33 of the Code of Fayetteville to change its name to City Council Transportation Committee and to provide additional areas concerning city transportation issues that this committee can study and make recommendations to the full City Council by repealing this Article XVI and enacting a replacement Article XVI entitled **City Council Transportation Committee** as shown on the attached Exhibit A.

PASSED and **APPROVED** this 21st day of May, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, MAYOR

By: _____
SONDRA E. SMITH, City Clerk

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

**ARTICLE XVI
CITY COUNCIL
TRANSPORTATION COMMITTEE**

33.290 Composition

There is hereby established and continued a City Council Transportation Committee which shall be composed of four aldermen, one from each ward who shall be appointed annually by the Mayor, subject to City Council approval. The members shall elect a Chair at its first annual meeting.

(Ord. 5540, 10-16-12)

33.291 Purpose, Duties and Powers

(A) The Transportation Committee shall make recommendations to the City Council on transportation projects and issues that may arise, including, but not limited to:

- (1) Changes, additions, or deletions to the Master Street Plan.
- (2) Bids, Contracts, Contract Amendments, Change Orders, cost share proposals, and other contractual items that require City Council approval.
- (3) Requests for authority to begin eminent domain actions, and offers of settlement for eminent domain cases related to transportation projects, except when timing of settlement offers are such that Transportation Committee review is not feasible.
- (4) Yearly Transportation Division paving, overlay, sidewalk, and trail/bikeway construction programs.
- (5) Funding priorities for proposed major transportation improvement projects and programs.
- (6) Street and alley closures and/or right of way vacations.
- (7) Funding requests made by transit providers during the yearly budget process.
- (8) Changes, additions, or deletions to the Fayetteville Alternative Transportation and Trails Map, bikeway map, and related funding priorities.

(B) The Transportation Committee shall serve as an advisory board to the City Administration, and as a public forum for transportation projects and issues that may arise, including, but not limited to:

- (1) Proposed street, sidewalk, trail, bikeway, and transit related improvement plans for major projects to be partially or fully funded by the City. Said review will be at the preliminary stage, and will include typical cross sections and preliminary horizontal and vertical alignments. Said projects will be at the discretion of the City Administration, but generally will include major widening or new location projects, or projects where major changes to existing street cross sections are planned.
- (2) Traffic Calming Policies of the City, including review of requests for traffic calming by citizens.
- (3) Any alderman may appeal any recommendation of the Transportation Committee to the full City Council.

(C) The Transportation Committee may adopt rules to govern the conduct of its business. Said rules shall be consistent with the provisions of the Arkansas Freedom of Information Act.

(Ord. No. 5540, 10-16-12)

33.292-33.300 Reserved

(Code 1965, §§17B-11.2(a), (b), (d); Ord. No. 2109, 6-3-75; Ord. No. 2585, 12-4-79; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Ord. No. 3587, §1, 1-7-92; Ord. No. 4099, 6-16-98; Ord. No. 4652, 12-07-04; Ord. 5041, 7-17-07)



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(5) Funding priorities for proposed major transportation improvement projects and programs.

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Current Law

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

process after the vacancy shall have occurred.

- (4) Members of the former Tree and Landscape Advisory Committee serving at the time of the adoption of this Article shall continue to serve their respective terms as members of the Urban Forestry Advisory Board. Terms of membership on the board shall be for a period of two (2) years with staggered terms carried over from the former Tree and Landscape Advisory Committee.

- (5) The Mayor may designate city staff to assist the board in the conduct of its business.

(Ord. 5426, 8-2-11; Ord. 5446, 10-4-11)

33.284 Officers

At the first regularly scheduled meeting after the effective date of this Article, the board shall elect from among its members a chairperson and vice-chairperson, who shall each serve a term of one (1) year. Further, the board may elect such additional officers as it deems necessary for the proper performance of its duties.

(Ord. 5426, 8-2-11)

33.285 Meetings

The Urban Forestry Advisory Board shall meet at least once each month and may call special meetings if necessary to carry out its duties. The Urban Forestry Advisory Board sitting as the Wildland-Urban Interface: Firewise Advisory Board shall meet at least twice each year. Special meetings may be called as needed to carry out the board's duties. A majority of the voting membership of the board shall constitute a quorum.

(Ord. 5426, 8-2-11)

33.286-33.289 Reserved

**ARTICLE XVI
CITY COUNCIL
STREET COMMITTEE**

33.290 Composition

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(Ord. 5540, 10-16-12)

33.291 Purpose, Duties and Powers

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(4) Yearly Transportation Division paving and overlay construction programs.

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- (B) The Street Committee shall serve as an advisory board to the City Administration, and as a public forum for transportation projects and issues that may arise, including, but not limited to:

(1) Proposed street improvement plans for major projects to be partially or fully funded by the City. Said review will be at the preliminary stage, and will include typical cross sections and preliminary horizontal and vertical alignments. Said projects will be at the discretion of the City Administration, but generally will include major widening or new location projects, or projects where major changes to existing street cross sections are planned.

(2) Traffic Calming Policies of the City, including review of requests for traffic calming by citizens.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

(3) Any alderman may appeal any recommendation of the Street Committee to the full City Council.

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(Code 1965, §§17B-11.2(a), (b), (d); Ord. No. 2109, 6-3-75; Ord. No. 2585, 12-4-79; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Ord. No. 3587, §1, 1-7-92; Ord. No. 4099, 6-16-98; Ord. No. 4652, 12-07-04; Ord. 5041, 7-17-07)

**ARTICLE XVII
TRANSPORTATION DIVISION**

33.301 Establishment

The Transportation Division (formerly known as the Street Department) has long been established in Fayetteville to maintain and improve city streets, curbs, gutters and sidewalks and to perform related services for our citizens. The Transportation Division works under the supervision of the Mayor and the budgetary authorization of the City Council.

33.302 City Overlay Program

(A) In the early 1990s, the City began its in-house overlay program with a stated goal to pave every City street for which public right-of-way existed. Later, the overlay program also began milling and overlaying various important, but deteriorating city streets.

(B) In the early 2000s, the Mayor and City Council enlarged the overlay program to maintain and overlay city streets on a regular and rotating basis so that city streets would not deteriorate to such an extent that a full reconstruction would be necessary.

(C) The procedure to determine which city streets will be funded to be overlaid and/or have curb and gutter work shall be as follows:

(1) The Transportation Division shall report to the City Council Street Committee during its first meeting of the year the results of the previous year's overlay program and propose a recommended list of sections of streets to be overlaid (and any planned curb or gutter work) during the new year.

(2) The Street Committee can propose additions or deletions to this list and will recommend it to the City Council.

(3) The City Council after consideration and any amendments shall approve by Resolution the approved overlay, curb and gutter program.

(4) If the administration wishes to amend the overlay, curb and gutter program during the construction year to add an additional project, it shall request the Street Committee to approve such additional project and the City Council to amend the Resolution with possible necessary budget adjustment to allow any such addition to the program.

33.303-33.310 Reserved

(Ord. No. 3875, 2-21-95; Ord. No. 4304, 3-20-00; Ord. No. 4438, 11-19-02; Ord. 5047, 8-07-07; Ord. 5173, 9-2-08)

**ARTICLE XVIII
ADVERTISING AND
PROMOTION COMMISSION**

**33.311 Advertising And Promotion
Commission Established**

(A) There is hereby created the city Advertising and Promotion Commission ("the commission"). The commission shall have the powers and duties prescribed by Act 185, as now or hereafter amended. The commission shall be composed of seven members as follows:

(1) Four members shall be owners or managers of business in the tourism industry, at least three of whom shall be owners or managers of hotels, motels, or restaurants, and who



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Alderman Alan Long

FROM: Kit Williams, City Attorney

DATE: May 9, 2013

RE: Your requested amendment to the Street Committee Section

Your amendment (if I understand you correctly) could state:

"I move that Exhibit A's section 33.291 (A) (8) be amended to read 'Changes, additions or deletions to the bikeway map and trail/arterial street intersections.'"

This would remove from the proposed amendment offered by Alderman Petty and thus **not** transfer the control of the Fayetteville Alternative Transportation and Trail map which has been the major focus and responsibility of the Active Transportation Advisory Committee (previously called the Sidewalks and Trails Advisory Board) since it was established by the City Council in 2001. It was renamed in 2010 by the City Council and given the continued responsibility to recommend any changes to the City's Master Trail and Sidewalk Plan.

As a corollary to the first amendment, a second amendment would need to be made in (B) (1) to remove "trail" from the purview of the Street (or soon the Transportation Committee) and leave it within the Active Transportation's area of responsibility.

I have attached the Ordinance that renamed the Sidewalks and Trails Advisory Board for your information.

ORDINANCE NO. 5343

AN ORDINANCE TO CODIFY AND RENAME THE SIDEWALKS AND TRAILS TASK FORCE AS THE ACTIVE TRANSPORTATION ADVISORY COMMITTEE

WHEREAS, on June 5, 2001, the Fayetteville City Council passed Resolution No. 71-01 establishing the Sidewalks and Trails Advisory Committee; and

WHEREAS, on July 15, 2003, the Fayetteville City Council passed Resolution No. 102-03 renaming the committee as the Sidewalk and Trails Task Force and assigning one City Council member (rather than 4) to serve on the Task Force; and

WHEREAS, the Sidewalk and Trails Task Force now wishes to be known as the Active Transportation Advisory Committee and have the organization codified in the Fayetteville Code with all members and duties remaining unchanged.

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 enacts **Article XXII Active Transportation Advisory Committee** as §33.350 – 33.355 as shown below:

“XXII Active Transportation Advisory Committee

“§33.350 Purpose and Establishment

“There is hereby established (as a continuance of the former Sidewalk and Trails Advisory Board) the Active Transportation Advisory Committee. This committee shall review public comments and advise City Staff and City Council on the prioritization and land acquisition/easements for sidewalks and trails within our city. The Active Transportation Advisory Committee is also responsible for recommending the adoption of Sidewalk and Trails Master Plans to the City Council.

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Ordinance No. 5343

Recommendations relating to trails shall be forwarded to the Parks and Recreation Advisory Board. Recommendations relating to sidewalks shall be forwarded to the Transportation Division.

“§33.351 Composition

“The Active Transportation Advisory Committee shall be comprised of eight (8) voting members, and seven (7) non-voting staff/support members, as follows:

- a. One (1) voting members of the Committee shall be a member of the City Council;
- b. One (1) voting member shall be a member of the Planning Commission;
- c. One (1) voting member shall be a member of the Parks and Recreation Advisory Board;
- d. Five (5) voting members shall be private citizens, who are qualified electors residing in the City of Fayetteville, and appointed by the City Council, at least one (1) of whom shall represent a bicycle advocacy organization;
- e. Five (5) non-voting members shall represent the City of Fayetteville staff, with one member each from the Transportation Division, Parks and Recreation Division, Fayetteville Police Department, Planning Division, and Information Technology Division;
- f. One (1) non-voting member shall represent the Washington County Planning Staff;
- g. One (1) non-voting member shall represent the Northwest Arkansas Regional Planning Commission.

“§33.352 Terms of Office

“Private citizen members shall serve two year terms, with no limit to the number of terms they may serve. City Council, Planning Commission, and Parks and Recreation Advisory Board representatives may serve as long as they retain membership on their sponsoring body.

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Ordinance No. 5343

“§33.353 Officers

“At the first regularly scheduled committee meeting of each calendar year, the voting members of the committee shall, by a simple majority, elect from among themselves a Chair and Vice Chair.

“§33.354 Meetings

“The Active Transportation Advisory Committee shall meet at least once per quarter to conduct regular business, at a time and place that is mutually convenient to the membership. The Active Transportation Advisory Committee may meet more frequently if needed.

“§33.355 Selection Process

“The City Council shall appoint the private citizen members through the normal Nominating Committee process. All other members of the Active Transportation Advisory Committee shall be appointed by their respective organizations.

PASSED and APPROVED this 3rd day of August, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



AGENDA REQUEST

FOR: COUNCIL MEETING OF AUGUST 3, 2010


FROM:

ALDERMAN KYLE COOK

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:


An Ordinance To Codify And Rename The Sidewalks And Trails Task Force As The Active Transportation Advisory Committee

APPROVED FOR AGENDA:



Kyle Cook
Alderman

7/20/10
Date



City Attorney
(as to form)

7-14-2010
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

C. 8
Amend Article XVI
City Council Street Committee
Page 6 of 6



LEGAL DEPARTMENT

TO: **Alderman Kyle Cook**

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read "Kit Williams", written over a horizontal line.

DATE: **July 15, 2010**

RE: **Codification of the Active Transportation Advisory Committee**

Attached please find the ordinance I drafted to change the name of the Sidewalk and Trails Task Force (changed from Sidewalk and Trails Advisory Committee in 2003) to the Active Transportation Advisory Committee pursuant to your instructions. Please review this ordinance to ensure all terms are as you want them.

I pretty much copied the original purpose and duties in the Resolutions. I did change the duty to approve the Sidewalk and Trails Master Plan to a recommendation of approval. The City Council would need to approve any such Master Plan (as it does for streets) before a Master Plan would have any force or effect within our code. I left everything else pretty much as stated in the earlier Resolutions.