

**2013-0202**  
Legistar File Number

**December 17, 2013**  
City Council Meeting Date - Agenda Item Only  
N/A for Non Agenda Item

**Sondra E. Smith**  
Submitted By

**City Clerk**  
Department

**Action Required:**

**Approve a Budget Adjustment in the amount of \$14,000 to pay for the A&P Tax Special Election.**

Does this item have a cost?  XX

<u>\$14,000.00</u> Cost of this request	\$ <u>-</u>	<u>Program Category / Project Name</u>
	Category / Project Budget to Date Including any Attached BA	
<u>1010-001-4999.99</u> Account Number	\$ <u>-</u>	<u>Program / Project Category Name</u>
	Funds Used to Date Before this Request	
<u>Project Number</u>	<u>Remaining Budget after this Request</u>	<u>Fund Name</u>

Budgeted Item?  No

Budget Adjustment Attached?  Yes

Previous Ordinance or Resolution # 5605

Original Contract Number: N/A

11-27-13 12:11 RCVD  
dm

Comments:  
*[Signature]* 11-27-13  
Paul a. Bueh 11-27-2013  
Lon Mann 11-27-12

*[Signature]* 12/2/13



**CITY COUNCIL AGENDA MEMO**

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**To:** Mayor Lioneld Jordan and City Council

**From:** Sondra Smith, City Clerk Treasurer *SS*

**Date:** November 26, 2013

**Subject:** A&P Tax Special Election Cost

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**PROPOSAL:**

The City Clerk budget pays for any general, special, and run-off elections. At the time the 2013 budget was completed there were no special or general elections planned for the calendar year.

The City Council approved Ordinance Number 5605 on August 6, 2013 setting a date for a Special Election for a hotel and restaurant gross receipts tax and tourism revenue capital improvement bonds for the purpose of financing certain costs in connection with the renovation and expansion of Walton Arts Center and for the purpose of financing certain costs in connection with a proposed Regional Park. Elections vary in cost therefore the cost for this Special Election was not included in the ordinance. It is necessary to bring forth a budget adjustment ordinance to pay for the A&P Tax Special Election. The budget adjustment was discussed at the August 6, 2013 City Council meeting.

The total cost of the Special Election is \$24,191.55. The City Clerk has some funds available to pay for part of the Special Election cost. I am requesting a budget adjustment in the amount of \$14,000.00 to cover the remaining election cost.

**RECOMMENDATION:**

The City Clerk recommends the approval of a Budget Adjustment to pay for the A&P Tax Special Election.

**BUDGET IMPACT:**

\$14,000.00

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$14,000.00 TO PROVIDE FUNDING FOR PAYMENT OF COSTS RELATED TO THE A&P BOND SPECIAL ELECTION**

**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 approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$14,000.00 to provide funding for payment of costs related to the A&P bond special election.

**PASSED and APPROVED** this 17<sup>th</sup> day of December, 2013.

APPROVED:

ATTEST:

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

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



NOV 26 2013

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE



WASHINGTON COUNTY ELECTION COMMISSION  
County Courthouse, Suite 140  
280 North College Ave.  
Fayetteville, AR 72701

November 25, 2013

City Clerk Sondra Smith  
City of Fayetteville  
113 W. Mountain St, Ste #308  
Fayetteville, AR 72701

Dear Clerk Smith:

The Washington County Election Commission is authorized to request reimbursement for the expenses of special elections based as outlined in Arkansas Election Law 7-5-104.

Following is the cost to the Election Commission for the November 12, 2013 Special Election for the City of Fayetteville.

<b>Ballot Stock and printing</b>	<b>\$1663.93</b>
<b>Programming</b>	<b>\$800.00</b>
<b>Audio</b>	<b>\$226.00</b>
<b>Advertisements</b>	<b>\$3938.60</b>
<b>Poll Workers and Supervisor Mileage</b>	<b>\$11,831.09</b>
<b>Pre-election Supplies</b>	<b>\$250</b>
<b>Staff and Staff Mileage 233.20</b>	<b>\$3,135.20</b>
<b>Counting Crew Election Night</b>	<b>\$384</b>
<b>Truck Rental</b>	<b>\$462.73</b>
<b>Election Commission Meetings</b>	<b>\$1500.00</b>
<b>Total</b>	<b>\$24,191.55</b>

Please send a check for the amount of \$24,191.55 to us at the above address.

Call me with any questions on this subject.

Best regards,

Jennifer B. Price  
Election Coordinator  
479-444-1766  
jprice@co.washington.ar.us

**24191.55 Election Cost**

**Election Cost Calculation**

\$	1,663.93	Ballots
\$	800.00	Programming and ESS support
\$	226.00	Audio
\$	3,938.60	Advertisements
\$	11,831.09	Poll workers and supervisor mileage
\$	250.00	Absentee ballot canvassers
\$	3,135.20	Election night workers
\$	384.00	Trucks and mileage
\$	462.73	Pre-election supplies
\$	1,500.00	Staff
		Election Commission meetings
\$	<b>24,191.55</b>	<b>Total Cost</b>

Number voting in Fayetteville  
Total ballots cast  
Fayetteville's percent

24,191.55 Total election cost

Only 50% of the **Total Election Cost** is to be divided between the cities

0.00 50% of the **Total Election Cost**  
Fayetteville's percent  
**City of Fayetteville's General Election Cost**

Special Election cost is paid by the city in full.

**Peter Nierengarten:** We can work with the Parking Division and see if we can come up with something a little clearer.

**Alderman Adams:** Can a bicycle charge at an electric car charging station?

**Peter Nierengarten:** The plug is 220 volts and it is only available on electric cars. Electric bicycles use a 110 receptacle.

**Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.**

*Assistant City Attorney Jason Kelley read the ordinance.*

**Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.**

*Assistant City Attorney Jason Kelley read the ordinance.*

**Alderman Gray:** I am happy that we have done this and it is a good thing for our progressive city to encourage electric cars. Thank you, Peter.

**Mayor Jordan:** I too would like to thank Peter for his work on this and the Parking Department.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

*Ordinance 5604 as recorded in the office of the City Clerk*

**Special Election for HMR Bonds:** An ordinance calling and setting a date for a special election on the questions of the issuance by the City of (1) not to exceed \$1,500,000 of Hotel and Restaurant Gross Receipts Tax Refunding Bonds for the purpose of refunding the City's outstanding Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003, (2) not to exceed \$6,900,000 of Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds for the purpose of financing certain costs in connection with the renovation and expansion of Walton Arts Center, and (3) not to exceed \$3,500,000 of Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds for the purpose of financing certain costs in connection with a proposed Regional Park; pledging the proceeds from the existing one percent (1.00%) Hotel, Motel and Restaurant Gross Receipts Tax originally levied by Ordinance No. 2310 to the payment of the Refunding Bonds and Capital Improvement Bonds; prescribing other matters pertaining thereto; and declaring an emergency.

*Assistant City Attorney Jason Kelley read the ordinance.*

**Paul Becker**, Finance Director gave a brief description of the proposed election.

**Don Marr**, Chief of Staff: In our staff memo, we have budget impact as none. There is actually a budget impact; it is the cost of the special election which will need to be funded because there is no other scheduled election for November 12, 2013.

**Aubrey Shepherd**: Mr. Shepherd voiced his opinion about the ordinance.

**Greg Harton, NWA Media**: In the ordinance when it refers to the Regional Park, does that refer only to the sight at Cato Springs and I-540? Could you detail the use of the \$3.5 million in spending that would take place if the bonds are approved and how that will be divided among the different uses at the park?

**Connie Edmonston, Director of Parks and Recreation**: The use of the \$3.5 million would help add three baseball fields and accommodate all the parking.

A discussion followed about the use of the money for the Regional Park for the upcoming years.

**Terri Trotter, Walton Arts Center**: We are thrilled that the A&P brought this forward and that you are considering sending this bond issue to a public election. We have a conceptual plan to add about 30,000 square feet of additional space to WAC. The goal is to connect WAC to the activity happening on Dickson Street to add additional space for events. We believe this will allow us to host more events and bring more people into the city.

**Mayor Jordan**: How old is the Walton Arts Center?

**Terri Trotter**: 21 years old. Part of the plan we have is to refurbish some of the equipment.

**Mayor Jordan**: How long have you needed a renovation?

**Terri Trotter**: We have not gone through a major renovation ever. There was a surface level renovation about ten years ago, replacing the carpeting, seats in the theatre and wall coverings.

A discussion followed about the use of the money for the Walton Arts Center for the upcoming years.

**Steve Clark, Chamber of Commerce President**: I would like to compliment Mayor Jordan and members of the council and to thank you. This ordinance that is being considered is best described as an economic development infrastructure ordinance. It is an infrastructure that would be developed as parks, arts, playgrounds and people and is an infrastructure that will flourish and thrive. You have empowered everybody in the City of Fayetteville who is of voting age to decide how they want to play a part in this.



**Alderman Long:** How did we come up with \$6.9 million for the Walton Arts Center expansion and \$3.5 million for the Regional Park? How did we determine those numbers specifically?

**Marilyn Heifner,** Executive Director for the A&P Commission: The WAC came to the A&P Commission and asked for \$6.9 million to expand the center and as we looked at a twenty five (25) year issue of new bonds there was fortunately \$3.5 million left over after we paid off the bonds that we had.

Ms. Heifner continued to speak about why the Regional Park would be an advantage.

**Alderman Tennant:** I would like to thank Marilyn for her work on this.

**Alderman Marsh:** Does this lock us into a sports megaplex Regional Park or does it leave room to include Kessler Mountain into this plan?

**Jason Kelley,** Assistant City Attorney: It says it is financing a portion of the cost of constructing and equipping a Regional Park owned and located within the City of Fayetteville which may include baseball fields, soccer fields and related facilities.

**Alderman Gray:** I like the term economic development infrastructure and that is what I see this ordinance as. It is time that we take care of our young people.

**Alderman Long:** I would like us to consider making this a more equitable split between the two. I think it would be a good compromise and help us to accomplish more at the Regional Park.

**Alderman Tennant:** Everyone needs to keep in mind that passing this in its entirety, doesn't pay for all of the Regional Park and certainly doesn't pay for all the Walton Arts Center expansion. The WAC is moving forward with fundraising efforts and I am hoping that the Regional Park can also benefit from fundraising.

**Paul Becker** gave a brief statement declaring that these are preliminary numbers at this point and time.

**Jason Kelley:** Kit Williams requested at Agenda Session along with Gordon, our bond counsel that they would be present on August 20, 2013 to be able to address specific legal issues. Our bond counsel is not here tonight, so I would request that we do not complete this tonight.

**Mayor Jordan:** What is your opinion?

**Dennis Hunt,** Stephens Inc: Mr. Wilbourn, Mr. Williams, Mr. Becker and I have thoroughly reviewed the ordinance. If you want to delay that is fine, but everybody has had an opportunity to review and comment. The author of the ordinance received our comments and made the modifications.

**Alderman Schoppmeyer moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.**

*Assistant City Attorney Jason Kelley read the ordinance.*

**Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voting no.**

*Assistant City Attorney Jason Kelley read the ordinance.*

**Mayor Jordan:** I have been on this council since 2001 and we have talked about the Regional Park since then. We have talked about renovating the Walton Arts Center and making expansions and we know that this park will help the youth of this city. If we make any kind of investment, it should be in children. It will help drive the economic engine of this city and we need this.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

**Alderman Adams moved to approve an emergency clause. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voting no.**

*Ordinance 5605 as recorded in the office of the City Clerk*

**City Council Agenda Session Presentations:**

**2012 Audit Management Letter Report – Tony C. Uth, Jr., Audit Committee Chair**  
**Budget Reserves Discussion – Paul Becker, Finance Director**

**City Council Tour:**

**August 12, 2013 at 5:00 pm - RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates**

**Announcements:**

**Alderman Gray:** We have some openings on the Boards and Commissions of the city and we would like for you to go to our website and look at the openings.

**Don Marr:** This Thursday, August 8, 2013 at 5:30 p.m. to 7:00 p.m., there will be an open house for our Eastgate Master Planning at Happy Hollow Elementary.

Gulley Park will be having their final concert for this season and the group is Uncrowned Kings . It will begin at 7:00 p.m. on August 8, 2013.



Doc ID: 015343970007 Type: REL  
Kind: ORDINANCE  
Recorded: 08/14/2013 at 10:56:54 AM  
Fee Amt: \$45.00 Page 1 of 7  
Washington County, AR  
Kyle Sylvester Circuit Clerk

File **2013-00027823**

**ORDINANCE NO. 5605**

FILED  
2013 AUG 15 AM 1:10  
BECKY LEWIS  
CO & PROB CLERK  
WASHINGTON CO AR

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL  
ELECTION ON THE QUESTIONS OF THE ISSUANCE BY THE CITY OF WALTON  
NOT TO EXCEED \$1,500,000 OF HOTEL AND RESTAURANT GROSS  
RECEIPTS TAX REFUNDING BONDS FOR THE PURPOSE OF  
REFUNDING THE CITY'S OUTSTANDING HOTEL AND RESTAURANT  
GROSS RECEIPTS TAX REFUNDING BONDS, SERIES 2003, (2) NOT TO  
EXCEED \$6,900,000 OF HOTEL AND RESTAURANT GROSS RECEIPTS  
TAX AND TOURISM REVENUE CAPITAL IMPROVEMENT BONDS FOR  
THE PURPOSE OF FINANCING CERTAIN COSTS IN CONNECTION WITH  
THE RENOVATION AND EXPANSION OF WALTON ARTS CENTER, AND  
(3) NOT TO EXCEED \$3,500,000 OF HOTEL AND RESTAURANT GROSS  
RECEIPTS TAX AND TOURISM REVENUE CAPITAL IMPROVEMENT  
BONDS FOR THE PURPOSE OF FINANCING CERTAIN COSTS IN  
CONNECTION WITH A PROPOSED REGIONAL PARK; PLEDGING THE  
PROCEEDS FROM THE EXISTING ONE PERCENT (1.00%) HOTEL,  
MOTEL AND RESTAURANT GROSS RECEIPTS TAX ORIGINALLY  
LEVIED BY ORDINANCE NO. 2310 TO THE PAYMENT OF THE  
REFUNDING BONDS AND CAPITAL IMPROVEMENT BONDS;  
PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND  
DECLARING AN EMERGENCY

**WHEREAS**, under the authority of Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act") and pursuant to Ordinance No. 2310 adopted on March 1, 1977, and as subsequently amended (the "Levying Ordinance"), the City has previously levied a one percent (1.00%) tax (the "A&P Tax") upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption; and



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**Ordinance No. 5605**

**WHEREAS**, under the authority of the Advertising and Promotion Commission Act and pursuant to the provisions of Ordinance No. 4488 adopted on May 20, 2003, the City has previously issued and there are presently outstanding \$1,875,000 in aggregate principal amount of the City's Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003 (the "Series 2003 Bonds"), which Series 2003 Bonds are secured by the pledge of and lien upon the City's receipts of the A&P Tax; and

**WHEREAS**, the City's Advertising and Promotion Commission (the "Commission") by resolution adopted on May 13, 2013, has recommended that the City assist in (i) the completion of the proposed Walton Arts Center expansion and renovation (the "Walton Arts Center Improvements") and (ii) the acquisition, construction and equipping of a regional park (the "Park Improvements") through the issuance of its capital improvement bonds; and

**WHEREAS**, the Commission has determined and the City Council concurs that the Walton Arts Center is a cultural arts and entertainment facility and its expansion and renovation will constitute a "tourism project" within the meaning of Arkansas Code Annotated (1998 Repl.) §14-170-205 which will secure and develop tourism and thereby stimulate and enhance the economic growth and well-being of the City and its people; and

**WHEREAS**, the Commission has further determined and the City Council concurs that the City's proposed regional park will constitute a "public recreation facility" and "city park" within the meaning of Arkansas Code Annotated (2008 Repl.) § 26-75-606 and a "tourism project" within the meaning of Arkansas Code Annotated (1998 Repl.) § 14-170-205 which will secure and develop tourism and thereby stimulate and enhance the economic growth and well-being of the City and its people; and

**WHEREAS**, the City Council has determined that there is a critical need for a source of revenue to finance the Walton Arts Center Improvements and the Park Improvements, and that the receipts of the A&P Tax could be so utilized, but only upon refunding or redemption of the Series 2003 Bonds; and

**WHEREAS**, if approved by the electors of the City, the City has determined to issue (1) its refunding bonds in a principal amount not to exceed \$1,500,000 (the "Refunding Bonds") for the purpose of refunding the Series 2003 Bonds, (2) its capital improvement bonds in principal amount not to exceed \$6,900,000 (the "Walton Arts Center Bonds") for the purpose of financing a portion of the Walton Arts Center Improvements, and (3) its capital improvement revenue bonds in a principal amount not to exceed \$3,500,000 (the "Park Bonds") for the purpose of financing a portion of the Park Improvements, which Refunding Bonds, Walton Arts Center

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**Ordinance No. 5605**

Bonds and Park Bonds are to be equally and ratably secured by a pledge of and lien upon the receipts of the A&P Tax; and

**WHEREAS**, the purpose of this Ordinance is to call a special election on the issuance by the City of the Refunding Bonds, the Walton Arts Center Bonds and the Park Bonds;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Fayetteville, Arkansas:

Section 1: That under the authority of the Constitution and laws of the State of Arkansas, including particularly the Advertising and Promotion Commission Act and Title 14, Chapter 170, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Tourism Revenue Bond Act"), and subject to approval by the electors of the City as provided in Section 2 below, there is hereby authorized the issuance of (1) the City's Hotel and Restaurant Gross Receipts Tax Refunding Bonds in the aggregate principal amount of not to exceed \$1,500,000 (the "Refunding Bonds") for the purpose of refunding the Series 2003 Bonds, (2) the City's Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds in the aggregate principal amount of not to exceed \$6,900,000 (the "Walton Arts Center Bonds") for the purpose of financing a portion of the Walton Arts Center Improvements, and (3) the City's Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds in the aggregate principal amount of not to exceed \$3,500,000 (the "Park Bonds") for the purpose of financing a portion of the Park Improvements. Any bonds approved by the electors of the City may thereafter be issued in one or more series from time to time in an aggregate principal amount not to exceed the respective principal amount(s) approved by the City's electors. Such bonds as are issued by the City will be secured on a parity basis by a pledge of and a lien upon the receipts of the A&P Tax.

Section 2: That there be, and there is hereby called, a special election to be held on Tuesday, November 12, 2013, at which election there shall be submitted to the electors of the City the questions of the issuance of the Refunding Bonds, the Walton Arts Center Bonds and the Park Bonds.

Section 3: That the questions shall be placed on the ballot for the special election in substantially the following forms:

Question One:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of refunding bonds in a principal amount not to exceed \$1,500,000 (the "Refunding Bonds"), pursuant to Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of refunding the City's outstanding

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Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003 (the "Series 2003 Bonds"). If the issuance of the Refunding Bonds is approved, the Refunding Bonds shall be secured by a pledge of and lien upon the receipts of an existing one percent (1.00%) tax (the "A&P Tax") levied pursuant to Ordinance No. 2310 upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Refunding Bonds in a principal amount not to exceed \$1,500,000 .....

AGAINST the issuance of Refunding Bonds in a principal amount not to exceed \$1,500,000 .....

Question Two:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in a principal amount not to exceed \$6,900,000 (the "Walton Arts Center Bonds"), pursuant to Title 14, Chapter 170, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Tourism Revenue Bond Act") and Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of financing a portion of the costs of the expansion and renovation of the Walton Arts Center located within Fayetteville, (the "Walton Arts Center Improvements"). If the issuance of the Walton Arts Center Bonds is approved, the Walton Arts Center Bonds shall be secured by a pledge of and lien upon the receipts of an existing one percent (1.00%) tax (the "A&P Tax") levied pursuant to Ordinance No. 2310 upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption.

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**Ordinance No.5605**

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Walton Arts Center Bonds in a principal amount not to exceed \$6,900,000 for the purpose of financing a portion of the costs of the Walton Arts Center Improvements.....

AGAINST the issuance of Walton Arts Center Bonds in a principal amount not to exceed \$6,900,000 for the purpose of financing a portion of the costs of the Walton Arts Center Improvements .....

Question Three:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed \$3,500,000 (the "Park Bonds"), pursuant to Title 14, Chapter 170, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Tourism Revenue Bond Act") and Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of financing a portion of the costs of constructing and equipping a regional park owned by and located within the City of Fayetteville, which may include baseball fields, soccer fields and related facilities (the "Park Project"). If the issuance of the Park Bonds is approved, the Park Bonds shall be secured by a pledge of and lien upon the receipts of an existing one percent (1.00%) tax (the "A&P Tax") levied pursuant to Ordinance No. 2310 upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

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**Ordinance No. 5605**

FOR the issuance of Park Bonds in a principal amount not to exceed \$3,500,000 for the purpose of financing a portion of the costs of constructing and equipping the Park Improvements.....□

AGAINST the issuance of Park Bonds in a principal amount not to exceed \$3,500,000 for the purpose of financing a portion of the costs of constructing and equipping the Park Improvements .....□

Section 4: That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal elections unless otherwise provided in the Advertising and Promotion Commissions Act or the Tourism Revenue Bond Act, and only qualified voters of the City shall have the right to vote at the election. The City Clerk is hereby directed to give notice of the special election by one advertisement in a newspaper of general circulation within the City, the publication to be not less than ten (10) days prior to the date of the election.

Section 5: That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in a newspaper of general circulation within the City. The proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the Circuit Court of Washington County within thirty (30) days after the date of publication of the proclamation.

Section 6: That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the issuance of the Refunding Bonds, the Walton Arts Center Bonds and/or the Park Bonds are approved by the electors, to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 7: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: That it is hereby ascertained and declared that there is a critical need to obtain an additional source of revenue to finance needed capital improvements, including the Walton Arts Center Project and the Park Project, all in order to promote and protect the peace, health, safety and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and effect immediately from and after its passage.



**Page 7**  
**Ordinance No. 5605**

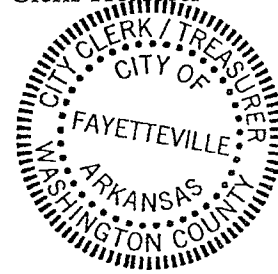
PASSED AND APPROVED this 6th day of August, 2013.

APPROVED:

ATTEST:

By:   
**LIONEL JORDAN, Mayor**

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



Washington County, AR  
I certify this instrument was filed on  
08/14/2013 10:56:54 AM  
and recorded in Real Estate  
File Number 2013-00027823  
Kyle Sylvester - Circuit Clerk

by  \_\_\_\_\_

**City of Fayetteville Staff Review Form**

**City Council Agenda Items  
and  
Contracts, Leases or Agreements**

August 6, 1023

City Council Meeting Date  
Agenda Items Only

<u>Paul A Becker</u>	<u>Finance and Internal Services</u>	<u>Finance and Internal Services</u>
<b>Submitted By</b>	<b>Division</b>	<b>Department</b>

**Action Required:**

In May, 2013 the City Advertising and Promotion Commission by resolution requested the City call and set a date for a special election to consider the refinancing of outstanding HMR bonds and the authorization to issue new bonds to fund additional projects. Specifically these projects include a portion of the cost of an expansion of the Walton Arts Center and a portion of the costs of the Regional Park Project. This would extend the current debt service payments for 25 years without increasing taxes. This agenda item is to approve that request.

<u>N/A</u>	\$ <u>-</u>	_____
Cost of this request	Category / Project Budget	Program Category / Project Name
_____	\$ <u>-</u>	_____
Account Number	Funds Used to Date	Program / Project Category Name
_____	\$ <u>-</u>	_____
Project Number	Remaining Balance	Fund Name

Budgeted Item  Budget Adjustment Attached

<u>Paul a. Becker</u>	<u>7-24-2013</u>	Previous Ordinance or Resolution # _____
Department Director	Date	
<u>[Signature]</u>		Original Contract Date: _____
City Attorney	Date	Original Contract Number: _____

<u>Paul a. Becker</u>	<u>7-24-2013</u>
Finance and Internal Services Director	Date

Received in City Clerk's Office 07-24-13 P02:03  
[Signature]

<u>[Signature]</u>	<u>7-24-13</u>
Chief of Staff	Date

Received in Mayor's Office

<u>[Signature]</u>	<u>7/24/13</u>
Mayor	Date

Comments:



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THE CITY OF FAYETTEVILLE, ARKANSAS  
DEPARTMENT CORRESPONDENCE

## CITY COUNCIL AGENDA MEMO

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**To: Mayor Lioneld Jordan and City Council**

**Thru: Don Marr, Chief of Staff**

**From: Paul A Becker P.A.S.**

**Date: July 30, 2013**

**Subject: Ordinance To Call a Special Election for HMR Bonds**

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**PROPOSAL:** In May, 2013 the Advertising and Promotion Commission passed a resolution requesting the City call a special election to consider an extension of the current HMR Bonds. The payment of bonds would be extended for 25 years at the same total principal and interest payment amount as currently made annually.

Therefore, the current amounts paid for debt service would remain the same.

To accomplish this, the voters would be asked to approve three questions on the ballot. Question one would request approximately \$1,500,000 in new bonds to refund the current outstanding bonds. Question two would request \$6,900,000 in new bonds to fund a portion of an expansion to the Walton Arts Center. The final request would be to approve \$3,500,000 of new bonds to fund certain improvements to the Regional Park. Specifically, baseball fields, soccer fields and related facilities at the Regional Park would be partially funded.

It is important to understand this is not a new tax. It would not cost the taxpayer any more money.

**RECOMMENDATION:** The administration recommends the approval of this ordinance to call for a special election on November 12, 2013 to decide the above questions.

**BUDGET IMPACT:** None