

City of Fayetteville Item Review Form

2014-0143

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Alan Spann

Submitted By

Parks and Recreation

Department

Action Required:

Approval of an ordinance to amend Chapter § 97.016 to include all park facilities and the Fayetteville Trail System.

Does this item have a cost?  No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

Previous Ordinance or Resolution # 97.016

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

Comments:

*[Signature]* 3-28-14

Paul A. Behr 3-28-2014

Alan Spann 3-31-14

*[Signature]*



V20130812



## CITY COUNCIL AGENDA MEMO

### MEETING OF APRIL 15, 2014

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Kit Williams, City Attorney  
Connie Edmonston, Parks and Recreation Director

**FROM:** Alan Spann, Recreation Superintendent

**DATE:** March 26, 2014

**SUBJECT:** Proposal to Amend § 97.016

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#### **RECOMMENDATION:**

Parks and Recreation staff recommends amending § 97.016 to include all park facilities and the Fayetteville Trail System.

#### **BACKGROUND:**

The existing ordinance outlines a framework for rentals of City Ballfields only. With an expanding trail system, Parks and Recreation has seen a significant increase in special event requests to be held on City Trails. With a steady increase in trail-users for both active transportation as well as recreational use, Parks Staff proposes minimizing events that require trail closures. Parks Staff worked with the City Attorney's office to develop the attached proposal. The proposal was presented to, and approved by, the Parks and Recreation Advisory Board with a vote of 6-1 on March 10.

#### **DISCUSSION:**

The proposed amendment would allow trail closures only for annual approved events operated by non-profit entities and/or events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at a time unless approved by the Mayor or his/her designee.

#### **BUDGET/STAFF IMPACT:**

There is no cost associated with this request.

#### **Attachments:**

Staff Review Form  
Proposed Amendment – Park Rental Ordinance  
PRAB Minutes

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

**AN ORDINANCE TO REPEAL § 97.016 FEE FOR CITY PARK BALLFIELDS AND ENACT A REPLACEMENT § 97.016 FEE FOR CITY PARK ATHLETIC FACILITIES AND TRAILS FOR TOURNAMENTS AND SPECIAL EVENTS**

**WHEREAS**, the Fayetteville Parks and Recreation Department and the Fayetteville Parks and Recreation Advisory Board recommend new authority be granted to provide nonprofit or City related entities to conduct approved tournaments, annual and special events at Parks and Recreation Department's facilities and trails; and

**WHEREAS**, exclusive use of trails for such special events should usually be limited to four hours to protect the general public's right to access its trails.

**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 repeals § 97.016 **Fee For City Park Ballfields** and enacts § 97.016 **Fee For City Park Athletic Facilities and Trails for Tournaments and Special Events** as shown below:

**"97.016 Fee For City Park Athletic Facilities and Trails For Tournaments and Special Events**

- (A) For the use of City Park Athletic Facilities or City Trails for Tournaments and Special Events, the Mayor shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual events approved by the City and operated by non-profit entities and events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at any time unless approved by the Mayor.
- (B) The sponsors of any tournament or special event shall arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament or event, the sponsor shall restore each facility or trail to the same condition it was in prior to the tournament or event."

**Page 2**  
**Ordinance No.**

**PASSED** and **APPROVED** this 15<sup>th</sup> day of April, 2014.

APPROVED:

ATTEST:

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

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

### **Existing**

#### 97.016 Fee For City Park Ballfields For Tournaments

(A) For the use of city park ballfields for tournaments, the mayor or his/her designee shall establish fees to be charged to defray the costs of maintenance, trash pickup and removal, equipment use, water, and electricity.

(B) The sponsors of any tournament shall arrange for all necessary umpires. Upon conclusion of each tournament, the sponsors shall restore each field to the same condition it was in prior to the tournament.

(Code 1965, '2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016)

Cross reference(s)--Penalty, '97.999.

### **Proposal**

#### 97.016 Fee For City Park Athletic Facilities and/or Trails For Tournaments and/or Special Events

(A) For the use of City Park Athletic Facilities or City Trails for Tournaments or Special Events, the Mayor or his/her designee shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual approved events operated by non-profit entities and/or events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at a time unless approved by the Mayor or his/her designee.

(B) The sponsors of any tournament or special event shall arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament/event, the sponsors shall restore each facility/trail to the same condition it was in prior to the tournament/event.

(Code 1965, '2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016)

Cross reference(s)--Penalty, '97.999.



## MINUTES

Parks and Recreation Advisory Board March 10, 2014 at 5:30 p.m.  
City Administration Building, Room 111 113 West Mountain Street  
Fayetteville, AR 72701

**Members:** Phillip Watson–Chair, John M. Paul- Vice-Chair, Wade Colwell, Richie Lamb, Terry Lawson, Chuck Maxwell, Phillip McKnight, David Priest, David Proffitt

**City Staff:** Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Parks Planning Superintendent; Alan Spann, Recreation Superintendent; Melanie Thomas, Senior Secretary

### 1. Review of Trail Ordinance Amendment: Alan Spann, Recreation Superintendent

Spann said that due to the increase in trail events, there was a need to update the trail ordinance amendment. The existing ordinance just covers using ballfields. The proposal covers ballfields, tournament, and special events. For trail event usage, it is proposed that *"Fayetteville trails remain open to the public, with the exception of annual approved events operated by non-profit entities and/or events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at a time unless approved by the Mayor or his/her designee."*

McKnight wanted to know if non-profits could close the trail. Spann said no.

Priest asked if that was too limiting.

Spann replied that since the taxpayers pay for the trails, the trails need to be open to them.

Watson commented that later on when there are more trails, maybe portions could be closed for events.

Spann said that the trail ordinance will be looked at then.

Paul asked if similar language was used in other cities trail ordinances. Spann said they really don't have anything except in their event forms. Priest asked if this was only for people that want to close the trails.

Spann said it was also for people with events that were too large.

McKnight said he has a concern about the four hour limit. He said that in the future, that may be a problem. He asked where in this ordinance it says anything about the size.

Spann says that information is on the special event form.

**PRAB Motion:** Lamb motioned to accept the Trail Ordinance Amendment, and McKnight seconded. Motion passed 6-1-0 by voice vote, with Priest voting no.