

City of Fayetteville Staff Review Form

2014-0149

Legistar File ID

4/15/2014

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

Lindsley Smith

Communications & Marketing

Submitted By

Division / Department

Action Recommendation:

Approval of ordinance amending Chapter 114.03 (B) of the Fayetteville Code to change the time in which the Fayetteville Convention and Visitors Bureau has control over the public parking spaces around the Historic Fayetteville Downtown Square from the current beginning time of 4:00pm to instead be 3:00pm for event preparation on the seven days in which First Thursday Fayetteville is held.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>No</u>	Current Budget
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>No</u>	Budget Adjustment \$ -
	Remaining Budget \$ -

Previous Ordinance or Resolution # _____

Original Contract Number: _____




V20140314

Approval Date: _____

Comments: *K. Smith 3-25-14*
J. Paul G. Buehler 3-25-2014
Franklin Jackson

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff *DM*

FROM: Lindsley Smith; Communications, Marketing and Volunteer Services Director *LS*

DATE: March 24, 2014

SUBJECT: First Thursday Fayetteville

RECOMMENDATION:

This is a request to amend Chapter 114.03 (B) of the Fayetteville Code to change the time in which the Fayetteville Convention and Visitors Bureau has control over the public parking spaces around the Historic Fayetteville Downtown Square from the current beginning time of 4:00 P.M. to instead be 3:00 P.M. for event preparation on the seven days in which First Thursday Fayetteville is held.

BACKGROUND:

In 2010, Ordinance 5307 amended Chapter 114 of the Fayetteville Code to establish the First Thursday Fayetteville cultural arts event on the Historic Fayetteville Downtown Square during the months of April through November annually, which constitutes seven days each year for this cultural arts event. Since First Thursday Fayetteville began, the event's huge success required an expansion of event space around the Downtown Square for additional booths, with the event space concerns being addressed by the Fayetteville City Council in 2011 and 2012 to secure all four streets around the Downtown Square for this cultural arts event.

The City Ordinance designates the Fayetteville Convention and Visitors Bureau as the entity that "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."

DISCUSSION:

Preparation time has always been tight for ensuring parking spaces are open around the Downtown Square for coordinating individuals setting up booths and getting vehicles in and out for booth and art display setup (particularly large and/or heavy art and ensuring their careful handling), set-up of the kids creativity area, entertainment equipment set-up and sound checks, securing all safety measures, and other preparation needs. With the continued participation and growth of the event and addition of food trucks, this additional hour for Convention and Visitors Bureau parking space control added in the Ordinance is necessary for proper set-up, traffic control, and public and participant safety.

In order to accommodate the growth of this monthly cultural arts event and addition of offerings such as food trucks, City staff recommend a change to the Ordinance so that the Convention

and Visitors Bureau has an additional hour each of the seven First Thursday Fayetteville days, thus changing the beginning time of that control from 4:00 P.M. to 3:00 P.M.

BUDGET/STAFF IMPACT:

There is no budget impact.

Attachments:

Attached is a list of 32 businesses on and around the Downtown Square supporting this Ordinance amendment.

2014 First Thursday Ordinance Change

The Fayetteville Visitors Bureau is working to change the city ordinance in order to close the Downtown Square at 3 p.m. in order to make First Thursday safe for all of our patrons.

We understand and support the ordinance change to 3 p.m.

Business Name	Printed Name	Signature	Address
Independent Denim & Essentials	Kayla DeSanto		15 S Block Suite 101 FAY AR 72701
TeraTots	Rebecca Champagne		155. Block #102
COUNTRY OUTFITTER	Candace Scott		1 W. Center St. Fayetteville, AR 72701
Carey	Leanne Liche		1 East St.
beewee	Sammy Towse		1 EAST CTR ST
Tony Tom's / wmb	John Schmecker		21 W. Mtn.
Salor on the square	Alicia Simmons		21 W Mtn
Mustache	Bria Bentley		15 S. Block, St. 105
Jennit Java			21 W mtn # 228
Matt Miller Studio	Matt Miller		21 W mtn St 226
Odessa Law Firm	Janet Napier		1 E Mountain
Odessa Law Firm	FLORA		7 E. MOUNTAIN
Kicklak Law Firm	Brandy Piazza		1 E Center St 190

Business Name	Printed Name	Signature	Address
Savir-Fairu	Tess Blain	Tess Blain	1 E Center St Spu/70
Arvest Bank	Grant Carter	Grant Carter	75 N. East Ave.
Little Bred	HANNAH WITHNERS	Hannah Withners	116 N Block
World Treasures	Jennie Hall	Jennie Hall	120 N. Block
Good Things Boutique	Jessy Lang	Jessy Lang	108. N. Block
Dark Star Visuals	Stacey Webster	Stacey Webster	106 N. Block
Flying Possum Leather	Bob Walker	Bob Walker	53 N. Block
Flying Possum Leather	Adam McNamee	Adam McNamee	33 N. Block
The Headwalker	Fallon Yorky	Fallon Yorky	31 N. Block
Swift's	Angie Catanzaro	Angie Catanzaro	27 N. Mock
HUGO'S	HUGO'S	HUGO'S	25 N. Block
French Quarters	French Quarters	French Quarters	117 N. Block
HIMALAYAN MTN SHOP			100 W. CENTER
David Adams	David Adams	David Adams	100 W center
The Bank of Fayetteville	Ashley Menard	Ashley Menard	1 S Block

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 114.03 **FIRST THURSDAY FAYETTEVILLE** (A) AND (B) TO CHANGE THE STARTING TIME FOR FIRST THURSDAY FROM 4:00 P.M. TO 3:00 P.M.

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** (A) and (B) to change the starting time for First Thursday from 4:00 p.m. to 3:00 p.m. as shown on Exhibit A attached hereto.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT A

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 3:00 P.M. through 10:00 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, 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 3:00 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.

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

be aggressive to humans, dogs or other animals. A Fayetteville Animal Control Officer or Police Officer can order any owner or handler to immediately remove a dog from the Farmers' Market area if in their opinion the dog is not properly socialized or is otherwise a safety or other type of problem. Failure to obey such lawful orders or any other violation of any provision of this subsection can be punished by a fine of up to \$250.00.

- (I) *Annual report to City Council.* The Rural Mountain Producers Exchange shall present its annual written report and answer questions about the operation and revenues received and expended in the Rural Mountain Producers Exchange to the City Council during its first meeting in March of each year. This written report shall include year-to-year changes in gross revenues and expenditures and the portion of revenue that is used for administrative overhead, and not actual sales numbers. It shall also provide this same information relative to its operation on any other City property such as the Botanical Gardens at the Lake Fayetteville Park. This information will not be combined, but differentiated between the Square and other locations. The Rural Mountain Producers Exchange shall publish a map of the Square showing the locations of vendor and nonprofit exhibit spaces and provide for online reservation for nonprofits.
- (J) *Vendor fees.* The Rural Mountain Producers Exchange shall not adjust the fees it charges to vendors except by a vote of its full membership.

(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; Ord. No. 5587, 6-4-13)

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, 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.

- (C) *Articles permitted to be sold.* Only objects of art or craft produced and sold by a local artist or craftsperson 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; Ord. 5487, 3-6-12)

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)

