

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: June 8, 2015

SUBJECT: **Code of Ordinances Amendment for Chapter 97: Parks and Recreation**
Tabled from the June 2, 2015 City Council Meeting
Revised Memo in Red Print

RECOMMENDATION:

Parks staff recommends approval of an ordinance amending the Fayetteville Code of Ordinances Chapter 97: Parks and Recreation, Exhibits "A" and "B" under Section 97.088 Signs Prohibited.

BACKGROUND:

As the City of Fayetteville grows, the need for diverse recreational opportunities grows. Seeking partnerships and donations from private organizations and businesses can enhance the City's ability to provide parks and recreation services for park improvement projects. Private partnerships with businesses and individuals offering services and products consistent with the Parks and Recreation mission have the potential to reduce the City's investment in capital projects. Park staff has recognized the need for an avenue allowing donor recognition signs on park and trail property. Donor recognition is vital to successfully soliciting and securing funding for projects. The use of corporate names and logos are often used in recognizing contributions.

Chapter 97 of the Unified Development Code (§97.088) was amended in 2010 to allow donor recognition signs on park and trail property to improve the ability to successfully secure funding from private sources.

DISCUSSION:

Friends for Parks was formed in 2014 by a group of citizens interested in helping raise funding for the Parks and Recreation Department. This group was formed under the umbrella of the Northwest Arkansas Community Foundation, a 501(c) 3 organization. They have already received a \$5,000 donation from Ozarks Electric Cooperative to develop promotional material and donor packages to raise funds for the Regional Park.

In order to better solicit funding for Parks and Recreation, Staff has proposed the attached policy changes for Donations for Naming Rights for new facilities that are not built yet, as well as for existing facilities. Donors would have the opportunity for naming rights as well as naming rights for a ten year period. The proposed revisions to the existing policy in Ordinance No. 5535

(Exhibit "A" – Donor Recognition Signs) is included in the attachments. The policy changes were approved by the Parks and Recreation Advisory Board on May 4, 2015.

In addition to this proposal, staff is recommending to amend Exhibit "B" of the Naming Park Facilities Policy included in Ordinance No. 5535 by omitting the requirement to table a proposed park facility name until the next scheduled monthly PRAB meeting. The item must be approved by the City Council after a recommendation from the PRAB; therefore, the public would have three opportunities to give input as to the name of a facility. In addition, this is a long process and we would not want a donor to have to wait an additional month for approval.

June 2, 2015 Meeting Recommendations

There were a changes made to the policy after review by the City Council at the June 2, 2015 City Council meeting. Changes made include the following:

1. City Attorney has amended City Code §97.088 as follows: (B)(2)(d) Facility Naming, to clarify the City Council has final authority on naming park and trail facilities. (B)(2)(b)(i) Maximum size of Recognition Signs, has been omitted because the size of the sign will be determined when the facility/park naming request is reviewed by the City Council.
2. Shortened Exhibit "A" to include the purpose and policy for the Operations Policy for Donor Recognition Signs. The Recognition for Parks and Trails Facilities Policy is referred to in the Exhibit "A" of the ordinance, but it is not part of the ordinance. The details of the standard operational procedures are found in this Park Policy.
3. In Exhibit "A" and "B", the wording was changed to note the City Council has final selection and approval of the park facility name including the right to approve a different name. Naming of facilities donated must meet the Naming Park Facilities Operational Policy unless accepted by City Council Resolution.
4. A 25 year time period for the donor recognition of donations of \$25,000 to \$250,000 for the Bronze Category on a donor wall.
5. A 25 year time period for the naming rights was set for the Gold Category for a field/court/facility with donations over \$250,000.
6. A 30 year time period for the naming rights for the Platinum Category for a complex with donations of \$1 million up to \$5 million.
7. A 25 year time period for the donor recognition for the Trail Facilities Gold Category for facilities located on a trailhead.
8. All donors will have first right to re-new their naming rights for an appropriate donation upon conclusion of the time period.
9. The City will reserve the right to remove a donor's name from the facility if the City Council determines by resolution that a donor's actions would otherwise cause undue embarrassment or other issues for the city or its citizens.
10. These recent changes are noted in red print in Exhibit A and B, as well as the Recognition for Parks and Trails Facilities Policy.

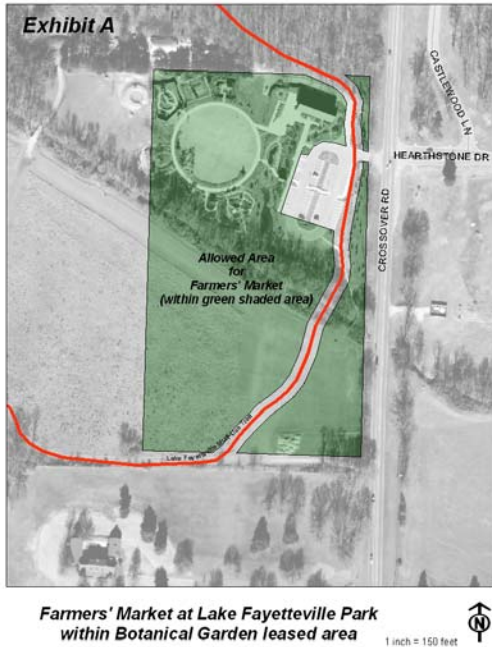
BUDGET/STAFF IMPACT:

This ordinance amendment would not impact the budget negatively. If approved, the potential for securing donations may increase, thereby positively impacting the budget.

Attachments:

Existing Code of Ordinances: Chapter 97
May 4, 2015 PRAB Meeting Minutes
Proposed Revisions to Exhibit "A"
Proposed Revisions to Exhibit "B"
Recognition for Parks and Trails Facilities Policy

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS



Cross reference(s)--Penalty, §97.999.

97.088 Signs Prohibited

(A) No person in a park shall paste, glue, tack, or otherwise post any sign, placards, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park, except as set forth hereinbelow.

(B) *Exceptions.*

(1) *Athletic Field Signage.* Signs shall be permitted on softball/baseball outfield fences and scoreboards at locations and in sizes designated by the Parks and Recreation Director. Uniform fees shall be charged dependent upon placement and size of the permitted signs. The content of the sign and whether it is commercial or non-commercial may not be considered. Designated spaces shall be sold at the established price on a first come basis. The owner of a sign at a designated location shall have first right to renew before others can purchase the size/location for a new or replacement sign.

(2) *Recognition Signs.* Signs located in City parks or on City trails that are used for the purpose of memorializing a person or family through naming, recognition of significant donors, or recognition of contributions to the facility or amenity on which the sign is installed shall meet the following conditions:

(a) *Maximum Number of Recognition Signs.* Most donor or honoree recognition signs shall be limited to one for the facility financed by the donor or memorializing the honoree. For a park or a major facility with more than one major entrance, a second recognition sign may be recommended by the Parks and Recreation Advisory Board and approved by the City Council.

(b) *Maximum Size of Recognition Signs.*

(i) Park Recognition Signs shall not exceed sixteen square feet for parks and major facilities with lesser square foot

(C) Food trucks permitted pursuant to §178.05 may operate in City Parks as described below:

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert **or** special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

(D) For special events, food trucks and sales of items other than food may be approved by the Parks and Recreation Director through a special event permit

(Code 1965, §17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. 5310, 4-6-10; Ord. No. 5531, 10-02-12; Ord. 5666, 3-18-14)

Cross reference(s)--Penalty, §97.999.

97.087 Advertising Prohibited

No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(Code 1965, §17A-30; Ord. No. 1594, 4-1-68; Code 1991, §97.087)

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

limitations for smaller facilities as set forth in the Operations Policy for Donor Recognition Signs attached as Exhibit "A" and approved as part of this ordinance.

final approval by the City Council. Naming of the facilities must meet the Naming Park Facilities Operations Policy attached as Exhibit "B."

- (ii) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.
- (c) *Design requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail.
 - (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any advertising or slogans) may be used on the sign.
 - (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director of Parks and Recreation who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
 - (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.
- (d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the City, the Facility or the Parks and Recreation Department in terms of financial donations, voluntarism or dedicated public service. Final naming of a facility shall be recommended by the Parks and Recreation Advisory Board with

Parks and Recreation Advisory Board

May 4, 2015 at 5:30 p.m.
City Administration Building, Room 326
113 West Mountain Street
Fayetteville, AR 72701

Members: Phillip Watson, Kyle McHan, 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

6. Naming Rights Proposal: Connie Edmonston, Parks & Recreation Director

Friends for Parks received a \$5,000 donation from Ozarks Electric to develop promotional material and donor packages to raise funds for the Regional Park. In order to solicit requests for donations including naming rights of a park amenity, a policy needed to be developed. Friends for Parks has proposed the attached policy for Donations for Naming Rights for New Facilities that are not built yet, as well as for Existing Facilities. Donors would have the opportunity for naming rights as well as naming rights for a ten year period. The existing policy in Ordinance No. 5535 that would need to be amended is included in the attachments.

In addition to this proposal, staff is recommending to amend Attachment B of the Naming Park Facilities Policy included in Ordinance No. 5535 by omitting the requirement to table a proposed park facility name until the next scheduled monthly meeting. The reason why this is requested to be omitted is because the item must go before City Council at their agenda session as well as scheduled meetings. The public would have three opportunities to give input as to the name of a facility. In addition, this is a long process and we would not want a donor to have to wait an additional month for approval.

Edmonston said the naming rights needs to be revised, since funding is being solicited for the Regional Park. There are different categories for donors, such as the bronze, silver, platinum and gold levels.

Priest wanted to know how PRAB needs to solicit.

Edmonston said to be watching and listening for possible donors. She said a packet can be offered to them if they seem interested.

Lamb said the Friends of Parks is also raising money.

Edmonston commented that this proposal has to be approved next by City Council.

Maxwell said Frank Sharp isn't a funder, but was very active in promoting Kessler Mountain and getting donations.

Lamb asked if the City Council would always have the final say-so.

Edmonston said yes. She said PRAB will make a recommendation and the City Council will have final approval.

Lamb wanted to know if PRAB would need to recommend this proposal and then it will go to Council.

Edmonston said yes.

Maxwell said that the funding will go to Friends of Parks, and then PRAB.

Edmonston added that the Friends of Parks is a non-profit. Their mission is to raise money. Their first priority right now is Regional Park.

Priest asked if Parks would have a way to oversee the donations.

Edmonston said yes, because Parks staff attend the meetings.

Jumper added that McKnight is on the board.

Edmonston said a PRAB member could be added if the PRAB members were interested.

Colwell asked if a park could be named after someone if that person didn't fit any of the criteria.

Jumper said yes, that option is still open.

Lamb wanted to know if PRAB's recommendation is what PRAB decides.

Edmonston said yes, and Parks will help guide.


Colwell commented that he has never liked the name Southpass Park.

Edmonston said the Regional Park has not been named yet.

Parks & Recreation Staff Recommendation: Approval of the above proposal and amendment to Ordinance No. 5535.

PRAB Motion: Proffitt motioned to approve the proposal and amendment to Ordinance No. 5535, and Lamb seconded it. Motion passed 6-0-0 by voice vote.

Minutes taken by Melanie Thomas.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR DONOR RECOGNITION SIGNS	
	NUMBER:	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 1
	SUPERSEDES :	APPROVED BY:		

DONOR RECOGNITION SIGNS

PURPOSE


The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

In order to provide important capital facilities in Fayetteville Parks, it is pragmatic in a time of shrinking public dollars to seek outside funding. It is essential to have specific boundaries and criteria in establishing fair and proper recognition of significant facility donations. This policy sets guidelines for donations within parks as well as on trails. All sign and plaque designs must be incorporated into the design of the facility. Donor recognition signs shall adhere to the aesthetic values and design of the park.

Donor recognition in parks is based upon the type of facility donated. Donor recognition on trails is limited on the trailheads unless there is an educational and/or art feature that is appropriate to be displayed along the trail. Recognition signs may not be predominant within the educational and/or art component.

Recognition for each donation will be determined **pursuant to the Recognition for Parks and Trails Facilities Policy**. Any exceptions to this policy must be approved by City Council. Park Planners **have** the latitude to design signs recognizing donations based on site location and donor specific criteria. Naming of facilities donated must meet the Naming Park Facilities Operational Policy **unless accepted under City Council resolution. The naming proposal will be presented to the Parks and Recreation Advisory Board for their recommendation to City Council. City Council has final approval of the park facility name, including the right to approve a different name.** The option for naming facilities is only permitted under the Park Facility **Diamond**, Platinum, Gold and Silver categories. Minor items such as trash receptacles and flower beds can not be named.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

NAMING PARK FACILITIES

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

Upon acquisition of a new park, the Director of Parks and Recreation will assign a nondescript temporary working name or subdivision name for the park facility to be used until park development begins.

Once park development begins, the Parks and Recreation Department will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will discuss and approve the recommendations at their monthly meeting. Once a recommended name has been selected, the Parks and Recreation staff will forward the name to the City Council for **its** final park name selection **including a potentially different name**.


The following items should be considered when proposing names for any park facilities:

- Geographic location of the facility
- Outstanding features of the facility
- Commonly recognized historical event, group, or individual
- Individual or group who contributed significantly to the acquisition or development of a facility
- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation Department or City of Fayetteville.

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the Active Transportation Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: RECOGNITION FOR PARKS AND TRAILS FACILITIES POLICY	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 3
	SUPERSEDES:	APPROVED BY:		

RECOGNITION FOR PARKS AND TRAILS FACILITIES

Bronze Category: Recognition on Donor Wall **for 25 year period**

Donation of \$25,000 up to \$250,000 for park amenities. Examples include

Bleachers	Picnic Table and Grill
Batting Cages	Art Sculpture
Bike Racks	Single Playground Apparatus (climbing rocks/swing set)
Lighting	Landscape Feature
Drinking Fountain with Dog Bowl	
Prefabricated Pavilion	

Size of donor wall and names to be approved by the City Council.

Silver Category: Naming Rights for 10 year period

Donation of 75% cost of new facility over \$250,000. Examples include:

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	

Gold Category: Naming Rights for a Field/Court/Facility **for 25 year period**

Donation of 100% cost of new facility over \$250,000. Examples include:

Soccer Field	Basketball Court
Baseball Field	Disc Golf Course
Tennis Court	Concession Stand/Restroom

Park Restroom
One Mile Asphalt/Concrete Park Trail
Small Amphitheater (seating for 150)
Water Feature

Parking Lot (25 cars)
Greenhouse
Playground
Dog Park

Platinum Category: Naming Rights of a Complex for 30 year period

Donation of \$1 million up to \$5 million to name a complete complex. Examples include:

Sport Complex: 4-6 field lighted complex such as softball, baseball, soccer, tennis

Aquatic center
Amphitheater- seating for 1,200
Development of a new park

Diamond Category: Naming Rights of a Park

Donation over \$5 million to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES

\$200,000 per baseball or softball field for 10 years, or \$350,000 for two fields
\$150,000 per soccer field for 10 years or \$250,000 for two fields

TRAIL FACILITIES

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, plaque constructed of high quality durable materials up to 1.5 sq ft.

Trail Facilities donated in the Silver Category may only be located along trails for educational purposes or as an integral part of an art feature.

Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads for a 25 year period and include the following:

Parking Lot
Pavilion

Restroom
One Mile Asphalt/Concrete Trail

City Process

1. Parks and Recreation Staff or the Friends of Parks Board meets with donor to discuss donation including amount of donation, development of facility/amenity, recognition operational policy, naming rights (if applicable), sign appearance/style/construction, time requirements and other pertinent topics. Donor must meet the Operational Policy for Donor Recognition Signs.
2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final park name selection and approval.
5. All donors will have first right to re-new their naming rights for an appropriate donation upon conclusion of the time period.
6. The City will reserve the right to remove a donor's name from the facility if the City Council determines by resolution that a donor would otherwise cause undue embarrassment or other issues for the City or its citizens.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Connie Edmonston, Parks & Recreation Director

FROM: **Kit Williams**, City Attorney

DATE: **June 5, 2015**

RE: **Donor recognition and naming of a park facility**

Pursuant to the City Council's request at the last City Council meeting, Connie and I worked on the ordinance's exhibits to ensure that the City Council would always have the discretion and final decision for donor recognition and naming of park facility. Connie has prepared new exhibits (removing most procedural and operation policies and detail from them which will be in a new separate operations policy). I have also proposed an amendment to § 97.088 (d) *Facility Naming* to change the last sentence of this section to read:

"Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit 'B', unless otherwise determined by City Council Resolution."

The changes to the exhibits and the amendment of the code section should ensure that the City Council will have complete control over the donor recognition and naming of park facilities. I would imagine that you would ordinarily accept the Parks and Recreation Advisory Board's recommendation, but these changes ensure that you do not have to accept such recommendation and that you can instead recognize or name a park facility for the person of your choice.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND FAYETTEVILLE CODE § 97.088 (B)(2)(b) AND ITS EXHIBIT “A”, DONOR RECOGNITION SIGNS AND TO AMEND § 97.088 (d) FACILITY NAMING AND ITS EXHIBIT “B”, NAMING PARK FACILITIES TO CLARIFY THAT THE CITY COUNCIL HAS FINAL AUTHORITY TO NAME PARK AND TRAIL FACILITIES

WHEREAS, in 2010, the Fayetteville City Council amended § 97.088 **Signs Prohibited (B)(2) Recognition Signs** to designate the allowed sign size for Donor Recognition Signs in City Parks as detailed in Exhibit “A” to this code subsection; and

WHEREAS, at the same time the Fayetteville City Council adopted § 97.088 (d) *Facility Naming* with Exhibit “B” Naming Park Facility Operations Policy; and

WHEREAS, the Fayetteville Parks and Recreation Department has suggested changes to these two policies and have received endorsement by the Fayetteville Parks and Recreation Advisory Board of its proposed changes.

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby amends § 97.088 of the Fayetteville Code by deleting subsection (i) in its entirety and enacting a new (i) as follows:

“Donor recognition signs in city parks shall be sized in accordance with Exhibit ‘A’, Donor Recognition Signs, unless otherwise determined by City Council Resolution.”

Section 2. That the City Council for the City of Fayetteville, Arkansas hereby amends § 97.088 (d) *Facility Naming* by deleting its final sentence in its entirety and enacting a new final sentence as follows:

“Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit ‘B’, unless otherwise determined by City Council Resolution.

Section 3. That the City Council for the City of Fayetteville, Arkansas hereby removes and deletes in their entirety the current Exhibit “A” Operations Policy for Donor Recognition and Exhibit “B” Naming Park Facilities Operations Policy and enacting as their replacements the attached Exhibit “A” Donor Recognition Signs and Exhibit “B” Naming Park Facilities.

PASSED and **APPROVED** this 16th day of June, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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