

**City of Fayetteville Staff Review Form**

**2022-0765**

**Legistar File ID**

**9/6/2022**

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

Alison Jumper

8/16/2022

PARKS & RECREATION (520)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Staff recommends amending Chapter 97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson to remove required fees at Lake Sequoyah.

**Budget Impact:**

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

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** 5828

**Change Order Number:** \_\_\_\_\_

**Approval Date:** 12/15/2015

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

**Comments:**

V20210527



**MEETING OF SEPTEMBER 6, 2022**

**TO:** Mayor and City Council

**THRU:** Susan Norton, Chief of Staff

**FROM:** Alison Jumper, Parks, Natural Resources and Cultural Affairs Director

**DATE:** August 15, 2022

**SUBJECT:** Request to amend Chapter 97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson

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**RECOMMENDATION:**

Staff recommends amending Chapter 97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson to remove required fees at Lake Sequoyah.

**BACKGROUND:** The City of Fayetteville manages three lakes: Lake Fayetteville, Lake Sequoyah and Lake Wilson. Chapter 97 of the Municipal Code currently requires fees for fishing and boating at Lakes Fayetteville and Sequoyah, which have historically been collected by a marina operator. Lake Wilson does not require fishing or boating fees and does not have a contractor on premises for management.

Current required permits for fishing and boating at Lake Sequoyah and Lake Fayetteville are as follows:

*Permits:*

- (a) Annual boating and fishing permit (age sixty-five (65) and older and veterans)—\$40.00
- (b) Annual boating and fishing permit (sixteen (16)—sixty-four (64))—\$50.00
- (c) Daily boating and fishing permit (sixty-five (65) and older and veterans)—\$5.00
- (d) Daily boating and fishing permit (sixteen (16)—sixty-four (64))—\$6.00
- (e) Annual fishing/use permit (sixty-five (65) and older and veterans)—\$20.00
- (f) Annual fishing/use permit (sixteen (16)—sixty-four (64))—\$30.00
- (g) Daily fishing/use permit (sixty-five (65) and older and veterans)—\$2.00
- (h) Daily fishing/use permit (sixteen (16)—sixty-four (64))—\$3.00
- (i) Daily fishing/use permit (under sixteen (16) with permitted adult) Free
- (j) Daily non-motorized boating (canoes, inflatables, kayaks, paddle boats and sailboats)—\$3.00
- (k) Annual non-motorized boating (per patron, nontransferable)—\$20.00

**DISCUSSION:**

Earlier this year, the marina operator for Lake Sequoyah retired, prompting an evaluation of how the lakes are used by the public managed. Amending Chapter 97 to eliminate fishing and boating permits at Lake Sequoyah provides opportunities with Arkansas Game and Fish

Commission through the Family and Community Fishing Program. Additionally, the removal of these fees will remove financial barriers, making fishing more available to our entire community.

The changes were discussed at the August Park and Recreation Advisory Board meeting where the board recommended making the changes unanimously.

**BUDGET/STAFF IMPACT:**

Approximately \$14,000 - \$16,000 is budgeted annually for fishing and boating permits at Lake Sequoyah. This revenue will no longer be realized; however, there is also no longer a contract for a marina operator at Lake Sequoyah. The annual marina operator contract was approximately \$39,000, which makes the ordinance change net positive.

**Attachments:**

SRF

Draft Ordinance Amendment

August 1, 2022 PRAB Motion

# Exhibit "A"

## 97.070 - Recreational Activities At Lakes Fayetteville, Sequoyah And Wilson

(A) *Hours.* Lake Fayetteville, Lake Sequoyah, and Lake Wilson shall be open to the general public throughout the year from sunrise to sunset daily and shall be closed each day from sunset to sunrise; provided:

(1) Lake Fayetteville shall be closed on Thanksgiving Day and from sunset on December 23rd through January 14th.

(2) The Director of the Parks and Recreation Department is authorized to extend the operating hours of a lake when reasonable and necessary to accommodate a tournament, special event, or seasonal weather conditions.

(B) *Permits for Fishing and Boating.* Fishing and boating permits are required for Lake Fayetteville. There is no permit requirement for Lake Wilson, Lake Sequoyah or other Park areas containing fishable waters.

(1) *Permits:*

(a) Annual boating and fishing permit (age sixty-five (65) and older and veterans)—\$40.00

(b) Annual boating and fishing permit (sixteen (16)—sixty-four (64))—\$50.00

(c) Daily boating and fishing permit (sixty-five (65) and older and veterans)—\$5.00

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(i) Daily fishing/use permit (under sixteen (16) with permitted adult) Free

(j) Daily non-motorized boating (canoes, inflatables, kayaks, paddle boats and sailboats)—\$3.00

(k) Annual non-motorized boating (per patron, nontransferable)—\$20.00

(2) *Miscellaneous.*

(a) Each person sixteen (16) years of age or older is required to purchase a fishing/use permit for fishing on the lake or any stream within the city owned lake property at Lake Fayetteville.

(b) There will be two (2) free fishing weekends each year where city fishing/use permits will not be required. One (1) weekend will coincide with the Arkansas Game and Fish free fishing weekend. The Parks and Recreation Director will designate the second weekend annually.

(c) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, sixteen (16) years of age or older must purchase a fishing/use permit. Daily permits are valid only for use on the date of purchase.

(d) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of Washington County government rehabilitation program approved by the Director of the Fayetteville Parks and Recreation Department for the location, date and time of lake access.

(C) *Boat Docking.* Boat docking shall be permitted at Lake Fayetteville on a space available basis to season boating and fishing permit holders for the following per boat annual fees:

(1) City resident—\$250.00

(2) Non-resident \$325.00

(D) *Fishing.* All fishing shall be done only from the bank, designated docks or boat. No wading, swimming, paddle boards or belly boats shall be permitted in all city lakes. Arkansas Game and Fish regulations shall control the number and size of fish which may be caught; however, the Fayetteville Parks and Recreation Department may provide additional limitations necessary to manage the fish population. All persons fishing at Lake Fayetteville should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, limb lines, cast nets, yo-yo's or jug fishing.

(E) *Boating.* A boating permit for each boat must be purchased before its use on Lake Fayetteville. All boats must be docked or removed from the lake at closing time. No boats except those used by lake employees or the Environmental Study Center will be docked at any other location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.

(F) *Place of Entry.* All persons boating at Lake Fayetteville shall enter the lake only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution. All persons boating at Lake Sequoyah and Lake Wilson shall enter the lake only at the boat ramp.

(G) *Use of Motors on Boats.*

(1) In the event that motors are used on boats, the boats shall be operated in such a manner that they will not endanger other boats or the occupants thereof. All city lakes are no wake lakes. Speeding and boat racing is not permitted and each outboard motor operator is cautioned to operate his motor in a safe and cautious manner. Failure to abide by this requirement will cause loss of boating permit. The dock operator shall revoke the boating permit of any boat which in his judgment is unsafe, overloaded, or operated in a careless manner.

(2) No boats shall be permitted within 500 feet of the spillway of any lake.

(3) No houseboats, paddle boards, water skiing, or jet skis are permitted.

(4) All state laws governing boats must be complied with before using a boat on any city lake.

(5) The city will not be responsible for any damage to or theft of boats, motors, or equipment.

(H) *Picnicking or Other Recreational Activities.* Picnicking is permitted on any part of Lake Fayetteville, Lake Sequoyah, or Lake Wilson or land surrounding said lakes, except within restricted nature areas, which are controlled by the city.

(I) *Committing nuisances.* No person shall commit any nuisance while on Lake Fayetteville, Lake Sequoyah, and Lake Wilson or any of the land surrounding the lakes belonging to the city, nor shall any trash or other materials be thrown into the lakes or left about the shore line or on the premises of any lake.

(J) *Fishing and Boating Prohibited Near Intake Tower.* No one shall climb upon, enter, or fish from the intake towers of the lakes.

(K) *Fishing on Stream Below Dam.* State laws governing fishing below dams shall be applicable on city property. Fishing permits are required to fish in the stream on city property below the dam at Lake Fayetteville.

(L) *Firearms and Hunting.* No firearms, hunting or trapping will be permitted on city owned property at any time.

(M) *Use of Motor Vehicles.* No person at Lake Fayetteville, Lake Sequoyah, or Lake Wilson shall drive a motor vehicle or ride a motorcycle, ATV or bicycle on other than a paved vehicular road or path designated for that purpose.

(N) *Revoking Permits.* The city shall have the right to revoke any permit issued under this section if it is determined that the permittee willfully violated any of the provisions of this section. When a permit is revoked, there will be no refunds.

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**Parks and Recreation Advisory Board**

August 1, 2022

5:30 PM

Hybrid Meeting

City Hall Room 326

113 W Mountain St

Fayetteville, AR

**Members:** Will Dockery (Chair) - exp 24, Andrew Brink - exp 23, Julie Chambers - exp 23, Joel Freund - exp 23, Hugh Kincaid - exp 22, Stephen Sheely - exp 22, Yarri Davis - exp 24, Doug Walsh - exp 24, Sarah Downing – exp 22

**City Staff:** Alison Jumper, Parks, Natural Resources, and Cultural Affairs Director; Lee Farmer, Recreation Superintendent; Ted Jack, Park Planning Superintendent; Zach Foster, Park Planner; Sonya Morell, Operations Assistant

1. **Call to Order** - Dockery called the meeting to order at 5:30 pm.
2. **Roll Call** - Dockery, Brink, Kincaid, Sheely, Davis, Walsh, Chambers, Freund, Downing
3. **In Attendance:** Dockery, Brink, Kincaid, Sheely, Davis, Downing, Chambers, Freund  
**Absent:** Walsh
4. **Staff:** Jumper, Farmer, Jack, Morell, Foster
5. **Approval of Minutes**  
**PRAB Motion:** Freund moved to approve the July PRAB Minutes, with the changing of the name spelling of Prewitt. Kincaid seconded the motion. Motion passed 7-0-0.
6. **Introduction of Arts and Culture Director: Joanna Bell**

**7. Lake Sequoyah Operations and Ordinance Update: Alison Jumper, Director**

Jumper discussed the following:

- Change in ordinance for Lake Sequoyah. Lake Sequoyah and Lake Fayetteville both have had marina operators. Currently, Lake Sequoyah does not have an operator.
- Proposing to operate Lake Sequoyah like Lake Wilson, with no fees being collected. Staff is currently looking for a concessionaire to run the bait shop to offer bait, snacks and drinks.
- That enables us to work closer with Arkansas Game and Fish. They run a variety of community fishing programs. They will also stock the lake.
- About \$16,000 a year is collected at Lake Sequoyah. Those funds go back to the General Fund, not directly to Parks.  
The board further discussed this topic.

**PRAB Motion: Freund moved to approve the plans to make changes that staff recommended. Davis seconded the motion. Motion passed 8-0-0.**

**8. Active Transportation Advisory Committee Update: Yarri Davis**

No meeting was held.

**9. Botanical Garden Society of the Ozarks Update: Joel Freund**

- The new executive director will come on board August 8<sup>th</sup>.
- Fall Fundraising is currently being planned.

**10. Parkland Dedication: Zach Foster, Park Planner**

Development Name:	HWY 112 Development
Engineer:	ESI, Inc
Owner:	112 Drive-In, Inc
Location:	3552 AR-112, Fayetteville, AR 72704
Parcel ID Number:	765-15811-000, 765-15812-000, 765-15819-000, 765-15816-000, 765-15815-000, 765-15813-000
Park Quadrant:	NW
Units:	195 Single-Family
Land Dedication Requirement:	N/A
Fee-in-Lieu Requirement:	\$212,355
Nearby Existing Parks:	Underwood Park, Wilson Springs Preserve, Clabber Creek Trail Corridor, Scull Creek Trail Corridor
Developer's Request:	Fee-in-Lieu
Staff Recommendation:	Fee-in-Lieu
Justification:	Proximity to existing parks and trails

Davis said he was opposed to fee-in-lieu, since there are no close parks and little trail access. He believes there should be a park in the development for families.

The board further discussed the project.

Dockery reminded the board of what the City Attorney said about fees-in-lieu. Basically, that the board approve fees-in-lieu.

**PRAB Recommendation: Dockery moved to accept fee-in-lieu. Freund seconded the motion. 7-1-0.**

Foster said he would follow this project, and report to the board with any updates.

Staff encouraged board to work on memo regarding this project, and vote on it at next meeting.

**11. Strategic Master Plan & Construction Update: Ted Jack, Planning Superintendent**  
**Jack discussed the following:**

- Staff has continued to work on the Strategic Master Plan.
- Second phase of the bonds is getting ready to start, including scope of services for Underwood Park and Walker Park.
- Hub building at Wilson Park is almost ready to go out to bid, followed up by Gulley Park bid.

**12. Review of HMR Report: Ted Jack, Planning Superintendent**

Jack said we had another great month, up 19.4%. First six months of year averaged \$365,244 per month. At that rate we would hit \$4,382,930 this year.

**13. Announcements**

August 1-5	Be Active Summer Camp (Camp Wilson 2) – Wilson Park
August 9	Outdoor Fayetteville Sunset Paddle - Lake Fayetteville
August 11	Outdoor Fayetteville Archery - Lake Fayetteville
August 15	Fall Kids Nite Afterschool – Yvonne Richardson Center
August 15	Fall Adult Soccer Starts – Kessler Mountain Regional Park
August 20	Fall Youth Soccer Starts – Kessler Mountain Regional Park
August 22	Fall Afterschool Program Starts - YRCC
August 23	Outdoor Fayetteville – Evening Paddle @ Lake Fayetteville
August 25	Outdoor Fayetteville – Archery @ Lake Fayetteville
August 29	Fall Adult Kickball Starts – Kessler
August 29	Fall Adult Softball Starts – Gary Hampton

**14. Adjourn: Dockery adjourned the meeting at 6:34 pm.**

**15. Submitted by: Sonya Morell, Operations Assistant**

PRAB minutes provides the basic discussions and motions of the PRAB meeting. For more information, please refer to the PRAB meeting video provided on the city's website.