

**Final Agenda
For
City Council Meeting
September 2, 2003**

A meeting of the Fayetteville City Council will be held on September 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A Presentation on the Trails Master Plan.

A Presentation on the Botanical Garden of the Ozarks, Inc. Master Plan.

A. CONSENT:

- 1. Approval Of The Minutes:** Approval of the July 15, 2003, August 5, 2003, and August 12, 2003 meeting minutes.
- 2. Destruction of Records:** A resolution authorizing the office of the City Clerk to destroy certain records pursuant to §13-4-204 of the Arkansas Code.
- 3. Botanical Garden of the Ozarks, Inc. Master Plan:** A resolution approving the Botanical Garden of the Ozarks Master Plan.
- 4. Botanical Garden Land Lease:** A resolution approving a land lease agreement with the Botanical Garden of the Ozarks for the purpose of operating a Botanical Garden at Lake Fayetteville Park
- 5. Alternative Transportation and Trails Master Plan:** A resolution adopting the Alternative Transportation and Trails Master Plan as an official planning document.
- 6. McClelland Engineers Contract Amendment # 3 Wilson Springs Business Park:** A resolution approving contract amendment No. 3 with McClelland Consulting Engineers, Inc. in an amount not to exceed \$5,000.00 to complete survey work required under the real estate contract with Legacy Project, LLC.
- 7. Bank of America Procurement Card:** A resolution to accept a contract with Bank of America Corporate Purchasing Card Agreement.

B. NEW BUSINESS:

1. **Cost Share Bid Waiver M.P Construction:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with M. P. Construction, Inc. in an amount not to exceed \$63,600.75 for the construction of a double 2' x 8' box culvert under Linda Jo Place.
2. **Marjorie Lee Brooks Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Marjorie Lee Brooks, *ET ALIA* to secure the necessary easements and rights-of-way for Gregg Avenue improvements.
3. **Ruth Thornton Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Ruth C. Thornton to secure the necessary easements and rights-of-way for Gregg Avenue improvements.

C. OLD BUSINESS:

1. **Smoking in Certain Public Places:** An ordinance to amend §95.05 **Regulation Of Smoking In Certain Public Places** of the code of Fayetteville and to enact a replacement §95.05 **Regulation Of Smoking In Most Public Places And Places Of Employment** in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.
This ordinance was left on the second reading at the August 5, 2003 City Council Meeting.

This ordinance was tabled at the August 5, 2003 City Council meeting until the September 2, 2003 City Council meeting.

D. INFORMATIONAL:

1. **September 1, 2003 is Labor Day Holiday**

Meeting of September 2, 2003

Adjourn 10:50 PM.

Subject: Roll						
Motion By:						
Seconded:						
Motion To:						
Marr	✓					
Rhoads	✓					
Davis	✓					
Lucas	✓					
Jordan	✓					
Reynolds	✓					
Thiel	✓					
Cook	✓					
Mayor Coody	✓					

Subject: Consent						
Motion By:		Marr				
Seconded:		Jordan				
Motion To:		approve Consent				
Marr	✓					
Rhoads	✓					
Davis	✓					
Lucas	✓					
Jordan	✓					
Reynolds	✓					
Thiel	✓					
Cook	✓					
Mayor Coody	✓					

August 12th
Minutes
Check.

Unanimous



Meeting of September 2, 2003

Subject: Cost Share Bid Waiver M. P. Construction						
Motion By:		Jordan	Reynolds	Pass		
Seconded:		Marr	Jordan			
Motion To:		2nd Read	3rd Read			
New Business # 1 Ordinance Passed Unanimous	Marr	✓	✓	✓		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Mayor Coody	—	—	—		

Subject: Marjorie Lee Brooks Condemnation						
Motion By:		Jordan				
Seconded:		Davis				
Motion To:		Table Indefinitely				
New Business # 2 Resolution Table Indefinitely	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Mayor Coody	—				

Meeting of September 2, 2003

Subject: Ruth Thornton Condemnation						
Motion By:		Davis				
Seconded:		Reynolds				
Motion To:		Approve				
#3 New Business Resolution Passed	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Mayor Coody	—				

Subject: Add to Agenda Marjorie Lee Steele Gregg Avenue Right of Way.						
Motion By:		Davis		Jordan		
Seconded:		Jordan		Davis		
Motion To:		Add to Agenda		Pass Resolution		
#4 New Business Resolution Added to Agenda Passed.	Marr	✓		✓		
	Rhoads	✓		✓		
	Davis	✓		✓		
	Lucas	✓		✓		
	Jordan	✓		✓		
	Reynolds	✓		✓		
	Thiel	✓		✓		
	Cook	✓		✓		
	Mayor Coody	—		—		

Meeting of September 2, 2003

Smoking Ordinance

Subject:	Adopt Short Version ^{as drafted} Without Referendum ^{as drafted} ^{lay Ordinance} ^{Revised} rather than the long version Effective Date: Feb. 1, 2004					
Motion By:		Marr				
Seconded:		Davis				
Motion To:						
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	—				
	Cook	✓				
	Mayor Coody	—				

#1
Old Business
passed

Kit Read
the Short
Version of
the proposed
Ordinance

Subject:						
Motion By:						
Seconded:						
Motion To:						
	Marr					
	Rhoads					
	Davis					
	Lucas					
	Jordan					
	Reynolds					
	Thiel					
	Cook					
	Mayor Coody					

Meeting of September 2, 2003

Smoking

Subject: Remove Code Compliance from Enforcement						
Motion By:		Thiel				
Seconded:		Reynolds				
Motion To:		Remove Code Compliance				
	Marr	N				
	Rhoads	N				
	Davis	Y				
	Lucas	N				
	Jordan	N				
	Reynolds	Y				
	Thiel	Y				
	Cook	N				
	Mayor Coody	—				

1st
Amendment

Motion
failed
3/5
for against

Smoking

Subject: Give employees the option to add a Smoking room (enclosed) for employees						
Motion By:		Thiel				
Seconded:		Reynolds				
Motion To:		Add Smoking Room				
	Marr	N				
	Rhoads	N				
	Davis	Y				
	Lucas	N				
	Jordan	N				
	Reynolds	Y				
	Thiel	Y				
	Cook	N				
	Mayor Coody	—				

2nd
Amendment

Motion
failed
3/5
for against

Meeting of September 2, 2003

Smoking

Subject: Common Kitchen } Separate bar entrance } Shared Separate restaurant entrance } Kitchen						
Motion By:		Davis				
Seconded:		Reynolds				
Motion To:						
3rd Amendment failed 3/5 for Against	Marr	N				
	Rhoads	N				
	Davis	Y				
	Lucas	N				
	Jordan	N				
	Reynolds	Y				
	Thiel	Y				
	Cook	N				
	Mayor Coody	—				

Smoking

Subject: Places of employment with 5 or fewer people to be excluded from the ordinance.						
Motion By:		Davis				
Seconded:		Rhoads				
Motion To:						
4th Amendment failed 3/5 for Against	Marr	N				
	Rhoads	N				
	Davis	Y				
	Lucas	N				
	Jordan	N				
	Reynolds	Y				
	Thiel	Y				
	Cook	N				
	Mayor Coody	—				

Meeting of September 2, 2003

Smoking

Subject: Owner or Manager post a sign after the kitchen closes. Restaurant then becomes a bar and smoking permitted.						
Motion By:		Rhoads				
Seconded:		Davis				
Motion To:						
	Marr	N				
	Rhoads	N				
	Davis	N				
	Lucas	N				
	Jordan	N				
	Reynolds	N				
	Thiel	Y				
	Cook	N				
	Mayor Coody	—				

5th
Amendment
failed
117
for Against

Smoking

Subject:						
Motion By:						
Seconded:						
Motion To:						
	Marr					
	Rhoads					
	Davis					
	Lucas					
	Jordan					
	Reynolds					
	Thiel					
	Cook					
	Mayor Coody					

Meeting of September 2, 2003

Smoking

Subject:	Take everything else out and owners post a sign if they allow or do not allow Smoking.					
Motion By:		Rhoads				
Seconded:		Reynolds				
Motion To:						
	Marr	N				
	Rhoads	Y				
	Davis	N				
	Lucas	N				
	Jordan	N				
	Reynolds	Y				
	Thiel	N				
	Cook	N				
	Mayor Coody	—				

6th
Amendment
Failed
216
for Against

Smoking

Subject:	Motion to Re-Consider Amendment #1 Removal of Code Compliance from enforcement.					
Motion By:		Jordan				
Seconded:		Cook				
Motion To:						
	Marr	Y				
	Rhoads	Y				
	Davis	Y				
	Lucas	N				
	Jordan	Y				
	Reynolds	Y				
	Thiel	Y				
	Cook	Y				
	Mayor Coody	—				

7/1
for Against
Passed

Meeting of September 2, 2003

Smoking

Subject:	Rewote on Code Compliance removed					
Motion By:						
Seconded:						
Motion To:						
	Marr	y				
	Rhoads	y				
	Davis	y				
	Lucas	y				
	Jordan	y				
	Reynolds	y				
	Thiel	y				
	Cook	y				
	Mayor Coody	—				

Passed

Unanimous

Smoking

Subject:	Take to Vote of the People } Referendum					
Motion By:		Rhoads				
Seconded:		Reynolds				
Motion To:						
	Marr	N				
	Rhoads	y				
	Davis	y				
	Lucas	N				
	Jordan	N				
	Reynolds	y				
	Thiel	y				
	Cook	N				
	Mayor Coody	Mayor Coody did not vote to break the tie.				

4/4
for against

Tie

Meeting of September 2, 2003

Smoking

Subject: Ordinance - Short Version as Amended						
Motion By:		Thiel				
Seconded:		Marr				
Motion To:		3rd & final reading		Pass		
	Marr	y		y		
	Rhoads	y		N		
	Davis	y		N		
	Lucas	y		y		
	Jordan	y		y		
	Reynolds	y		N		
	Thiel	y		y		
	Cook	y		y		
	Mayor Coody	—		—		

5 - 3
for Against

PASSED

Subject:						
Motion By:						
Seconded:						
Motion To:						
	Marr					
	Rhoads					
	Davis					
	Lucas					
	Jordan					
	Reynolds					
	Thiel					
	Cook					
	Mayor Coody					

**Tentative Agenda
For
City Council Meeting
September 2, 2003**

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C. NEW BUSINESS:

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D. INFORMATIONAL:

1. **September 1, 2003 is Labor Day Holiday**

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Destruction of Records
A. 2. Page 1X AGENDA REQUESTFor the Fayetteville City Council Meeting of: September 2, 2003

FROM:

<u>Gina Roberts</u>	<u>City Clerk</u>	<u>City Clerk/Microfilm</u>
Name	Division	Department

ACTION REQUIRED:

To Adopt a Resolution authorizing the destruction of records.

SUMMARY EXPLANATION:

Attached is a listing of records that are ready for destruction. All of the records have been microfilmed, and the original documents have been maintained for the required length of time. The microfilm will be maintained as a permanent record.

STAFF RECOMMENDATION:

<u>Darius Smith</u>	<u>8/11/03</u>
Division Head	Date
<u>D. J. Whitel</u>	<u>8/12/03</u>
City Attorney	Date
<u>N/A</u>	
Department Director	Date
<u>Steve Sam</u>	<u>8-12-03</u>
Finance & Internal Services Dir.	Date
<u>Myrl Gault</u>	<u>8-14-03</u>
Chief Administrative Officer	Date
<u>Don Coody</u>	<u>8/16/03</u>
Mayor	Date

Received in Mayor's Office

8/12/03
Date PA

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

FAYETTEVILLE

Destruction of Records
A. 2. Page 2

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Fayetteville City Council

FROM: Gina Roberts, Microfilm Clerk

DATE: August 8, 2003

SUBJECT: Destruction of Records

Attached is a listing of records that are ready for destruction. All of the records have been microfilmed, and the original document has been maintained for the required length of time. The microfilm will be maintained as a permanent record.

COUNCIL ACTION REQUESTED: Adopt a resolution authorizing destruction of the records as listed on the attached pages.

Attachment

DESTRUCTION RECORDS FOR 2001 & 2002

ACCOUNTING/AUDIT:

Accounts Payable 1997 Vendor Files (27 boxes)
Accounts Receivable for 1996, 1997 & 1998
Bank Reconciliations 1996 & 1997
Bank Statements 1997 All Funds
Check Register-Sales Tax Refund 6-93 thru 9-93
Franchise Tax Records 1988 thru 1997
HMR & Supplemental Beverage Tax Reports 1997
Investment History Register 1994 thru 1996
Journal Entries 1997
Payroll Christmas Bonus Register 1998
Payroll Clerks Terminated Employee Files 1998
Payroll Registers 1998 (27 Registers)
Payroll Safety Award List Register 8-1-97 thru 7-31-98
Payroll Time Sheets and File Maintenance 1998 (3-Boxes)
Payroll Yearend Information- Deduction, Comp Time & W-2's Register 1997
Privilege Licenses, Car, Limousine, Pawn Brokers & Taxi Cab's 1988-1997

AIRPORT:

Draft Working Papers-NW Regional Airport & Feasibility Study Site 1992-1995

BUSINESS OFFICE:

Adjustment Register 2000 & 2001
Bank Draft Register 1-3-00 thru 7-18-01
Billing Registers January thru December 2000 & 2001 (216 Registers)
Post Deposit Collection Register 1-1-00 thru 12-31-01
Refund Check Registers January 2000 thru December 2001
Updated Meter Reads from PC Listing 12-6-99 thru 9-11-01

CITY CLERKS FILES:

City Council Meeting Agenda's 1996 & 1997

DESTRUCTION RECORDS FOR 2001 & 2002

COMMUNITY DEVELOPMENT:

CD Administration Files Quarterly Reports thru Yvonne Center 1991 thru 1996
CD Rehabilitation Project Files 1-1993 thru 12-1994
CD Taxi Program 1997 Coupons

FIRE DEPARTMENT:

Uniform Receipts 1998

INSPECTIONS:

Inspection Files Street Catch-up 1998

INTERNAL AUDITOR:

AIP Grants 1996 thru 1997
Bond Compliance Grant Files 1990 thru 1997
Contract Files 1995 thru 1997 Contract #139 thru #558
Internal Auditors files for 1997 Municipal Courts Distribution Reports
Internal Auditors Reviews 1984 thru 1994

MAYORS OFFICE:

PW Director Kevin Crosson's Files: Ark Water thru U of A 1985 thru 1997

PARKING MANAGEMENT

Daily Cash Recap Reports (Payments) 1994
New Posted Tickets 1994
New Posted Tickets January thru May 1996
New Posted Tickets May thru July 1998
New Posted Tickets November thru December 1998

DESTRUCTION RECORDS FOR 2001 & 2002

PARKING MANAGEMENT CONTINUED:

Notices for overdue parking tickets violations 11-1996 thru 12-31-1996 Paid and/or voided
parking tickets Jan thru Mar 1999
Paid and/or voided parking tickets April thru June 1999
Parking Card Maintenance Update 7-31-90
Parking Payments 1990
Parking Violations Posted to New World 10-96 thru 12-96
Payment Edit Listing 1993 & 1994
Payments Posted & Updated to New World 1996
Payments Updated 1998
Posted Ticket Payments 1-2-92 thru 12-31-94
Purge Tickets 1-1899 thru 12-31-93
Purge Tickets in Notice Status 1-1899 thru 12-31-1996
Purge Tickets in Summons Status 1-1899 thru 6-30-96
Purge Tickets in Voided Status 1-1899 thru 5-31-98

PERSONNEL

General Employment Applications 1999
General Employment Applications 2000
Quarterly Eval Schedules 1990 thru 1994

PURCHASING:

Accident Reports 1996
Bid Files 1996
Edits 1999
Purchase Orders in Numerical Order 45831 thru 50051 for 1996
Purchase Orders in Numerical Order 49803 thru 60599 for 1997

DESTRUCTION RECORDS FOR 2001 & 2002

SHOP/FLEET OPER:

Fuel Edit Polling Log Register 1999

Deleted units from Vehicle Inventory and Work orders by Dept. 1987-1997 Fuel Fluid Location

Edit Reports 1-1-99 thru 6-30-99

Fuel Fluid Usage Edit Register for Razorback Rd. 1998

Fuel Fluid Usage Edit Register for Shop and Church St. Location 1998

Invoices from Mitchell Oil Co. 1998

Mitchell Oil Polling Log Printout Edit Register 1998

Miscellaneous Files from 1995-1997

1. Fuel Inventory Verification
 2. Gas Boy Transaction Listing Aug-Dec 1996
 3. Jail Gas Log
 4. Labor Records 1995 thru 1996
 5. Master Vehicle Charge List
 6. Motor Pool Charges Summary 1995 thru 1996
 7. Receiver Logs
 8. Service Repair Summary 1995 thru 1996
 9. Vehicle Equipment Listing
 10. Vehicle Mileage Report 1995
- Miscellaneous Files from 1997-1998
1. Fax's from Mitchell Oil Co. 1998
 2. Fuel Site Summary 12/97 thru 12/98
 3. Payroll 12/97 thru 12/98
 4. Purchase Orders 5/97 thru 12/98
 5. Safety Meeting Attendance 12/97 thru 12/98
 6. Updated Vehicle Inventory 6/97 thru 12/98

Vehicle Work orders, Receiver Logs and Mileage Reports 1/92 thru 12/94

Vehicle Work orders, Receiver Logs from August 1993 thru August 1994

Work orders for vehicles that were sold #206 thru #428 from 1989 thru 1999

WATER/SEWER:

Sewer W/O for Flow Monitoring, Manholes Sewer Washing & Time Sheet 1998

Water W/O for Leaks, Fire Hydrants, Water Samples & Time Sheets 1998

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE OFFICE OF CITY CLERK
TO DESTROY CERTAIN RECORDS PURSUANT TO §13-4-204 OF
THE ARKANSAS CODE.

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 authorizes the Office of City Clerk to destroy certain records pursuant to
authority granted under §13-4-204 of the Arkansas Code. A list of the records to
be destroyed marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 2nd day of September, 2003.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Botanical Garden of the
Ozarks Master Plan
A. 3. Page 1XX AGENDA REQUESTFor the Fayetteville City Council Meeting of: September 2, 2003

FROM:

Connie EdmonstonParks and RecreationOperations

Name

Division

Department

ACTION REQUIRED: A resolution accepting the Botanical Garden of the Ozarks, Inc., Master Plan.

SUMMARY EXPLANATION: See attached memo.

STAFF RECOMMENDATION: A

Received in Mayor's Office

8/14/03
Date PH

Division Head

Date

K. J. Williams8-13-03

City Attorney

Date

Ray8-13-03

Department Director

Date

Stephane8-14-03

Finance & Internal Services Dir.

Date

Ruth Smith8-14-03

Chief Administrative Officer

Date

Don Coady8/14/03

Mayor

Date

Cross Reference:

Previous Ord/Res#: Resolution 83-97Orig. Contract Date: 2-Sep-97

Orig. Contract Number: _____

New Item:

Yes

No



FAVETTEVILLE

Botanical Garden of the
Ozarks Master Plan

A. 3. Page 2

TO: Mayor Coody and City Council
THRU: Gary Dumas, Director of Operations
FROM: Connie Edmonston, Parks & Recreation Director
DATE: August 11, 2003
SUBJECT: Botanical Garden of the Ozarks Master Plan

Background

The City leases 82.16 acres of land at Lake Fayetteville Park to the Botanical Garden of the Ozarks, Inc. (BGSO), for the purpose of "...the establishment and operation of a botanical garden where diverse collections of plants will be displayed, utilized, and preserved for educational, environmental, recreational and scientific purposes, thereby promoting public awareness of the vital and unlimited roles that plants perform." This lease agreement was established in 1997. BGSO created a Master Planning Committee comprised of engineers, architects, building contractors, horticulturists, landscape architecture students and others from the area. The Portico Group from Seattle, Washington, was selected in 1999 to develop a master plan. Several workshops were held to accumulate a wealth of ideas and information from the community to shape this master plan.

Current Status

Parks and Recreation Advisory Board approved BGSO's Master Plan February 3, 2003 with the attached Parks and Recreation recommendations as follows:

- The service drive should be separate from active recreation on the trail.
- The bike trail is currently marked for bike use only. Pedestrian use should also be permitted.
- The trail crossing over the garden entryway creates potential pedestrian and vehicle conflicts. The design of these areas needs to be approved by the Parks Landscape Architect.
- Trail alignment must be approved by the Parks Landscape Architect.
- Trails must be constructed according to Parks and Recreation trail standards.
- Recommend storm water management plan and ground water management plan to protect the lake.

BGSO's Master Plan strives to promote and enhance the natural and diverse beauty of our community and surrounding environment. Their interest in strengthening and diversifying our local economy is also apparent in the Master Plan. On August 4, 2003, PRAB approved for BGSO to build Phase 1A of the Master Plan consisting of a timber frame workshop/studio building which would allow BGSO to offer site based programs in addition to establishing a presence on the site. This building would be a multi-purpose facility for office space, as well as a venue for lectures, functions, events and restrooms until and during implementation of the overall master plan.

Recommendation

Parks and Recreation Staff and Parks and Recreation Advisory Board recommend approval of the BGSO Master Plan as required by the current Land Lease Agreement. A proposed revised Land Lease Agreement will also be presented at the September 2, 2003 meeting.

Attachments:

Botanical Garden of the Ozarks Master Plan
PRAB February 3, 2003 Meeting Minutes
PRAB August 4, 2003 Meeting Minutes
BGSO Letter from President Bair Johanson

WEST MOUNTAIN 72701 479-444-3471
FAX 479-521-7714

RESOLUTION NO. _____

A RESOLUTION APPROVING THE BOTANICAL GARDEN OF
THE OZARKS MASTER PLAN.

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 the Botanical Garden of the Ozarks Master Plan. A copy of the
Master Plan marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 2nd day of September 2003.

APPROVED

By: _____

DAN GOODY, Mayor

ATTEST

By: _____

SONDRA SMITH, City Clerk

DRAFT

8. Botanical Gardens Society of the Ozarks Annual Report and Master Plan Presentation

Interim Executive Director, Carl Totemeir, President, Blair Johanson and Eden Price presented the Botanical Garden of the Ozarks master plan. The plan, completed in October 2001, provides a framework for the physical and interpretive development of the garden. Stressing education, conservation, and recreation goals, the society illustrated plans for plant collections, architectural elements, trails, and other amenities.

Ozark Off Road Cyclist President, Don West, expressed concern with trail issues involving mountain bikes. OORC, an International Mountain Biking Association affiliated club, has performed many hours of trail maintenance at Lake Fayetteville. David Justice also voiced concerns about trail usage.

Parks and Recreation Staff recommend the following suggestions for the master plan:

- The service drive should be separate from active recreation on the trail
 - The bike trail is marked for bike use only. Pedestrian use should also be permitted.
 - The trail crossing over the garden entryway creates potential pedestrian and vehicle conflicts. The design of these areas needs to be approved by the Parks Landscape Architect.
 - Trail alignment must be approved by the Parks Landscape Architect.
 - Trails must be constructed according to Parks and Recreation trail standards.
-
- Recommend storm water management plan and ground water management plan to protect the lake

MOTION:

Mr. Hill moved to approve the Botanical Garden Society of the Ozarks, Inc. Annual Report attached as Exhibit A and made a part hereof required by Resolution No. 83-97.

Mr. Colwell seconded the motion.

Upon roll call, the motion was approved 5-0-0 with Pawlik-Holmes absent for the vote.

Ms. Eads reported for the record that Pawlik-Holmes was in favor of approving the annual progress report.

MOTION:

Mr. Colwell moved to approve the Botanical Garden Society of the Ozarks, Inc. Master Plan with Staff recommendations as stipulated.

Mr. Shoulders seconded the motion.

Upon roll call, the motion was approved 5-0-0 with Pawlik-Holmes absent for the vote.

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
August 4, 2003

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on August 4, 2003 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Wade Colwell.

Present:

Parks and Recreation Advisory Board members Wade Colwell, Gail Eads, Bob Shoulders, Mike Hill, Craig Mauritsen, Kristin Pawlik-Holmes, Jerry Bailey; City Staff Edmonston, Coles, Hatfield, Hesse, Ohman, Wright; and Audience.

3. Botanical Garden Society of the Ozarks, Inc. Phase 1A Request:

The Society requests approval to construct a timber frame building for a Studio Workshop. This structure will contain an office, workshop, and educational and meetings space.

Parks and Recreation staff recommends approving the construction of the timber frame structure. The designated public trail and service drive are to be separated as approved at the March 3, 2003 meeting. The Society must abide by policies and procedures as required by the Planning Commission.

Totemeier discussed that their goal was to "get on-site" at the Botanical Garden. This building will be the first step in achieving a presence on site and will allow them to start programs. A completed building will provide the credibility for the Botanical Gardens and give them the opportunity to raise the funds to develop the Master Plan. A workshop to construct the timber frame building will be held. The proposed building will provide space for future workshops, wedding receptions, and ultimately will become the maintenance building for the Gardens.

Edmonston emphasized that the scenic drive and trail must be separate from the structure even though the graphic did not represent the change. Totemeier concurred that the trail and service drive would be separate.

MOTION:

Colwell moved to approve Phase 1A of the Botanical Garden Society Master Plan with the conditions that the trail and service drive would be separate and BGSO would abide by the policies and procedures required by the Planning Commission

Pawlik-Holmes seconded the motion.

Upon roll call, the motion was approved 7-0-0.



BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.

P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 479-443-6638 • info@bgso.org

TO: Mayor Dan Coody and the Fayetteville City Council

FROM: Botanical Garden Society of the Ozarks

DATE: August 6, 2003

SUBJECT: Approval of Master Plan and Phase 1A of the Master Plan for the Botanical Garden Society of the Ozarks

The Botanical Garden of the Ozarks would like to request approval of the Botanical Garden of the Ozarks Master Plan and Phase 1A of the Master Plan which is a preliminary development stage that is designed to establish a BGO presence on the site and allow us to begin offering site-based programs to the public. The timber frame workshop/studio building will be a multi-purpose facility which will provide office space, as well as a venue for lectures, functions, events and rest rooms until and during implementation of the overall master plan.

This development does not preclude the overall master plan, but is a meaningful first step to that end, which is more readily understandable by the community than the daunting task of funding the entire master plan from inception. Your support will be greatly appreciated as we move forward with this exciting project.

Sincerely,

Blair Johanson
President, BGSO, Inc.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Botanical Garden Land
Lease
A. 4. Page 1XX AGENDA REQUESTFor the Fayetteville City Council Meeting of: September 2, 2003

FROM:

Connie EdmonstonParks and RecreationOperations

Name

Division

Department

ACTION REQUIRED: A resolution approving the a land lease agreement with the Botanical Garden of the Ozarks, Inc., for the purpose of operating a botanical garden at Lake Fayetteville Park.

SUMMARY EXPLANATION: See attached memo.

STAFF RECOMMENDATION: A

Connie Edmonston 8-11-03
Division Head Date

Received in Mayor's Office

8/13/03
Date

[Signature] 8/12/03
City Attorney Date

[Signature] 8-12-03
Department Director Date

Cross Reference:

[Signature] 8-13-03
Finance & Internal Services Dir. Date

Previous Ord/Res#: Resolution 83-97

[Signature] 8-14-03
Chief Administrative Officer Date

Orig. Contract Date: 2-Sep-97

[Signature] 8/15/03
Mayor Date

Orig. Contract Number: _____

New Item:

Yes

No



TMM

FAYETTEVILLE

Botanical Garden Land

Lease

A. 4. Page 2

TO: Mayor Coody and City Council
THRU: Gary Dumas, Director of Operations
FROM: Connie Edmonston, Parks & Recreation Director
DATE: August 11, 2003
SUBJECT: Botanical Gardens of the Ozarks Lease Agreement

Background

On September 2, 1997, City Council approved a Land Lease Agreement with the Botanical Garden Society of the Ozarks, Inc. (BGSO), for the purpose of operating a botanical garden at Lake Fayetteville to serve Northwest Arkansas. The Portico Group of Seattle, Washington developed a master plan of the gardens in 2000. With the completion of the Master Plan, several fund raising events are held each year to finance the project.

Current Status

Since BGSO has been established for five years and a master plan has been developed, the relationship through the lease agreement with the City needs to be redefined. The term of the lease is 25 years. It may be renewable for three additional 25 year renewal terms upon the mutual agreement of the parties. Other items in the agreement further outlined responsibilities of the trails and parking lot in both fee and non-fee areas. Any major changes in the master plan must be submitted to the Parks and Recreation Advisory Board (PRAB) for approval. The City is allowed three seats on the BGSO Board consisting of a PRAB member, Parks and Recreation staff representative, and a member appointed by the City Council. BGSO is required to submit an annual progress report and audit to the City. In consideration for this lease, BGSO will offer free general admission to the garden on Saturdays from 9 am until 11 am. BGSO will also develop a 3 to 5 year plan of action with stated goals and objectives.

By accepting this Lease Agreement, the City of Fayetteville encourages BGSO to continue their goal of preserving and enhancing one of Fayetteville's natural open spaces. In addition, the acceptance of this Lease Agreement also provides the foundation for the BGSO to acquire funds and complete their Master Plan. By creating an additional destination for both residents and visitors to Fayetteville, a completed botanical garden will be an important factor in the growth of Fayetteville's local economy.

Recommendation

Parks and Recreation Staff and Parks and Recreation Advisory Board recommend approval of the land lease agreement with the BGSO. Please find PRAB August 4, 2003 meeting minutes documenting their approval.

Attachments:

Land Lease Agreement
Lake Fayetteville Map
PRAB August 4, 2003 Meeting Minutes
BSGO Letter from President Blair Johanson

WEST MOUNTAIN 72701 479-444-3471
FAX 479-521-7714

RESOLUTION NO. _____

A RESOLUTION APPROVING A LAND LEASE AGREEMENT
WITH THE BOTANICAL GARDEN SOCIETY OF THE OZARKS
FOR THE PURPOSE OF OPERATING A BOTANICAL GARDEN
AT LAKE FAYETTEVILLE PARK.

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 Land Lease Agreement with the Botanical Garden Society of
the Ozarks for the purpose of operating a botanical garden at Lake Fayetteville
Park. A copy of the Lease Agreement marked Exhibit "A" is attached hereto and
made a part hereof.

PASSED and APPROVED this 2nd day of September 2003

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
August 4, 2003

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on August 4, 2003 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Wade Colwell.

Present:

Parks and Recreation Advisory Board members Wade Colwell, Gail Eads, Bob Shoulders, Mike Hill, Craig Mauritsen, Kristin Pawlik-Holmes, Jerry Bailey; City Staff Edmonston, Coles, Hatfield, Hesse, Ohman, Wright; and Audience.

2. Botanical Garden Society of the Ozarks, Inc. Lease Agreement:

Legal staff has modified the original land lease agreement approved by PRAB on March 3, 2003. Carl Totemeier, Interim Director presented the contract changes. Changes include:

- 25 years from and after the date of this agreement, subject to such being sooner terminated as provided in this agreement. This lease term shall be renewed for three (3) additional 25 year renewal terms upon the mutual agreement of the parties. This lease term may be renewed upon approval of the City of Fayetteville, Arkansas. Each renewal term will not be unreasonably denied by the City as long as the BGSO continues to operate a botanical garden on the City property identified with this lease.
- BGSO will offer free general admission to the garden each Saturday morning from 9:00am to 12:00pm.
- PROGRESS. BGSO will develop and open a botanical garden on the City property identified with this lease agreement. BGSO will offer botanical garden programmatic and educational services as part of its mission. BGSO will establish an initial yearly attendance goal minimum for all BGSO garden services and programs of 5,000 people beginning with calendar year 2005. BGSO will develop a three to five year plan of action with stated goals and objectives. BGSO will continue to review, refine and renew these actions plans during the course of this lease. BGSO will prepare, publish and present an annual operations report to be submitted to the Fayetteville City Council.

MOTION:

Hill moved to approve a land lease agreement with the Botanical Garden Society as presented.

Colwell seconded the motion.

Upon roll call, the motion was approved 7-0-0.



BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.

P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 479-443-6638 • info@bgso.org

TO: Mayor Dan Coody and the Fayetteville City Council

FROM: Botanical Garden Society of the Ozarks

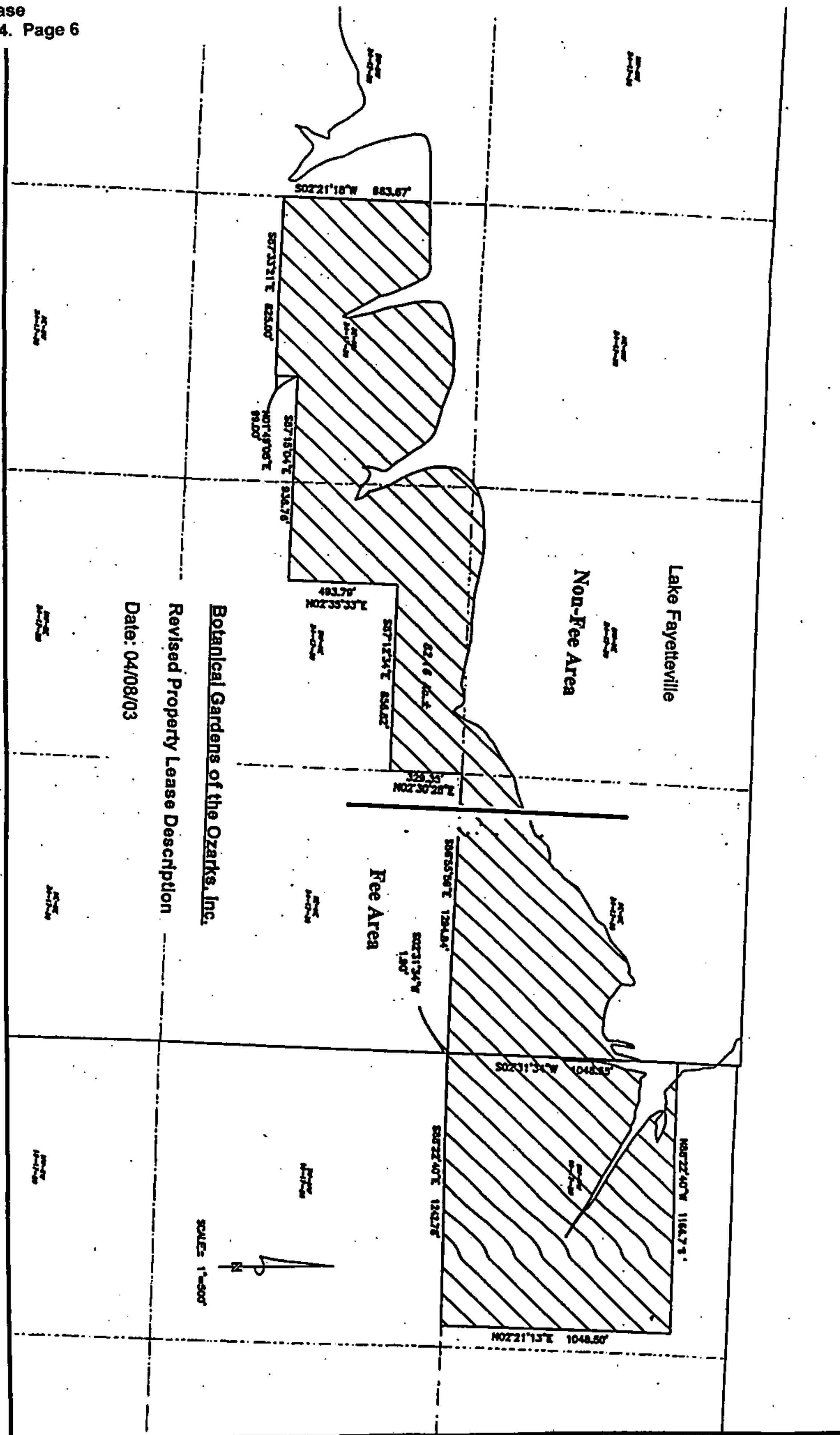
DATE: August 6, 2003

SUBJECT: Phase 1A of the Master Plan for the Botanical Garden Society of the Ozarks

The Botanical Garden of the Ozarks would like to request approval of the Revised Land Lease Agreement between the City of Fayetteville and the Botanical Garden Society of the Ozarks, Inc. The extension of the land lease duration, three 25 year renewals will give BGSO donors an assurance of the long term future of the botanical garden. We believe these changes offer fair consideration for both parties. Your support will be greatly appreciated as we move forward with this magnificent project.

Sincerely,

Blair Johanson
President, BGSO, Inc.



LAND LEASE AGREEMENT

THIS AGREEMENT made this _____ day of _____ by and between the City of Fayetteville, a Municipal Corporation of the State of Arkansas, hereinafter referred to as "the City", and the Botanical Garden Society of the Ozarks, Inc., an Arkansas Non-Profit Corporation, hereinafter referred to as "BGSO".

WITNESSETH:

WHEREAS, the parties desire to enter into an agreement regarding the operation and functioning of the Botanical Garden Society of the Ozarks which will serve the Northwest Arkansas community, and which will be built on land owned by the City of Fayetteville.

WHEREAS, the BGSO's purpose is the establishment and operation of a botanical garden where diverse collections of plants will be displayed, utilized, and preserved for educational, environmental, recreational and scientific purposes, thereby promoting public awareness of the vital and unlimited roles that plants perform.

NOW, THEREFORE, in consideration of the mutual covenants of the parties hereto the parties covenant and agree as follows:

The City hereby designates for the establishment, construction, maintenance, and operation thereon of a botanical garden as aforesaid for the collection and display of plant materials and for such other purposes as are incident to the development and maintenance of a botanical garden and for no other purpose whatsoever, contiguous tracts of land in the City, described as follows:

A part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), a part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), a part of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), all in Section 24, Township 17 North, Range 30 West, Washington County, Arkansas, being all of that portion in said Section 24 as described in a Warranty Deed Recorded in Book 402 at Page 313 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, less and except that portion of said parcel lying North of Lake Fayetteville waters and within the waters of Lake Fayetteville, said waters being more particularly described as that portion of said parcel lying below an elevation of 1238 feet above mean sea level, said elevation being the top of the Lake Fayetteville spillway.

The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 24, Township 17 North, Range 30 West, as described in a Warranty Deed Recorded in Book 400 at Page 328 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and a part of the fractional Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 19, Township 17 North, Range 29 West, Washington County, Arkansas, being particularly described as follows: Beginning at a point which is North 88° 22' 40" West 108.90 feet from the Southeast corner of NW 1/4 of the NW 1/4 of said Section 19, thence North 02° 21' 13" East 1048.50 feet; thence 88° 22' 40" West 1242.78 feet; thence South 02° 31' 34" West 1048.55 feet to the South line of said 40 acre tract; thence along said South line South 88° 22' 40" East 1242.78 feet to the Point of Beginning, less and except that portion of said parcel lying North of Lake Fayetteville waters and within the waters of Lake Fayetteville, said waters being more particularly described as that portion of said parcel lying below an elevation of 1238 feet above mean sea level, said elevation being the top of the Lake Fayetteville spillway.

1.0. MAINTENANCE, PROMOTION, AND OPERATION OF THE GARDEN. The parties agree that the Society shall operate, maintain, and promote the Botanical Garden of the Ozarks for and on behalf of the City on the property wholly owned by the City and identified above and incorporated by reference herein as set forth in this agreement.

2.0. LEASE TERM. The lease term shall commence on the date of this agreement and shall expire at midnight local time in the City of Fayetteville, Arkansas, on the date which is 25 years from and after the date of this agreement, subject to such being sooner terminated as provided in this agreement. This lease term shall be renewed for three (3) additional 25 year renewal terms upon the mutual agreement of the parties. This lease term may be renewed upon approval of the City of Fayetteville, Arkansas. Each renewal term will not be unreasonably denied by the City as long as the BGSO continues to operate a botanical garden on the City property identified with this lease.

2.1. REVIEW AND EVALUATION. The parties acknowledge that the Botanical Garden of the Ozarks is in its formative stages and that its development will be ongoing and changeable. IT IS FURTHER recognized that the roles, functions, and responsibilities of the respective parties will develop, grow, and/or change as well. For these reasons, the parties shall review and evaluate this agreement on a yearly basis to insure its appropriateness and applicability. The BGSO shall present an annual progress review to the Parks and Recreation Staff, Advisory Board and the City Council.

2.2. The Mayor or his designated representative and the BGSO shall meet as requested by any party to review the terms of this lease, to suggest and negotiate changes which may be appropriate.

3.0. TITLE TO BUILDINGS AND GROUNDS. The BGSO acknowledges without reservation that the City owns and shall hold title to the grounds and any future buildings constructed on the premises.

4.0. OPERATING POLICIES AND RESPONSIBILITIES. The BGSO shall provide to the Mayor or his designated representative its general operating policies for the Garden in written form. These operating policies shall ensure nondiscriminatory opportunities for all citizens. The Society agrees that its policies and operations shall be designed to preserve and maintain the integrity of all buildings, grounds and improvements existing on the premises, and shall consider the policies of Parks and Recreation regarding cultural and recreational facilities.

5.0. RULES AND REGULATIONS OF BGSO. The BGSO may establish and enforce any reasonable rules and regulations regarding behavior of visitors to assure the well being of the plants and gardens, as well as the safety, comfort and quality of experience for visitors to the premises and shall provide copies of these rules and regulations to the Mayor or his designated representative. To the extent permitted by law, either the City or the BGSO may exclude objectionable uses, or abusive or offensive person(s) from all premises subject to this agreement.

6.0. OPERATION AND SUPERVISION OF THE BOTANICAL GARDENS OF THE OZARKS. The BGSO shall exercise sole operational and supervisory authority over all grounds, buildings and personnel of the Garden and over all such matters, including but not limited to, safety, insurance, planning, plant acquisitions, displays and gardens, and the purchase, exchange, or acquisition of additional items to be added to the collections, except as otherwise provided in this agreement. The BGSO at its expense will be responsible for all maintenance and security associated with the operation of the Botanical Garden, including equipment, parking lots, and other improvements. The BGSO may not sublet any portion of the property without the express written consent of the City Council.

7.0 TRAILS: The BGSO specifically acknowledges the right of the public to access trails in the non-fee area without charge. BGSO must obtain the approval of the Parks and Recreation Staff on the routing and design of all public trails through this land lease area.

7.1 Construction of or enhancements to the primary public pedestrian and bicycle trails through the non-fee area to the west of the fee area (see attachment) must be approved by both the City of Fayetteville and the BGSO. Primary public trails located immediately adjacent to the fee area and all secondary trails related to BGSO programming will be designed, constructed, and maintained by the BGSO. (See attached maps identifying these areas)

7.2 Any enhancements or construction of any trails by the City within the non-fee area will be maintained by the City of Fayetteville.

7.3 The BGSO will construct and maintain a parking lot near the Visitor Education Center that allows free public parking with direct access to the primary public trails seven days a week.

7.4 The Society will be responsible for all educational, research and informational programs conducted on the premises and all printed material.

7.5 The parties agree that all employees and volunteers shall be employees or volunteers of the BGSO and shall not be considered to be City employees or volunteers for any purpose whatsoever. The BGSO shall have the sole authority for engaging, terminating, fixing compensation, supervising and otherwise directing all personnel, including sub-contractors, in conformance with applicable laws governing employees and volunteers at the Botanical Garden.

8.0 CONSTRUCTION, ALTERATIONS, IMPROVEMENTS AND MAINTENANCE.

8.1 The Final Master Plan must be approved by the City Council, and shall serve as the development guide to present and future construction, expansion, and improvements to the premises. The parties agree that the BGSO will submit to the Fayetteville Parks and Recreation Staff for review all plans for construction, future alterations, and improvements to be located on the premises including, but not limited to, gardens, greenhouses, entrances and parking, and for all other alterations to any facilities and grounds at the Garden which undertakings shall be subject to applicable City procedures, zoning ordinances, and design review.

8.2 Any major changes to the Master Plan shall be submitted to the Fayetteville Parks and Recreation Advisory Board for approval.

9.0 HOURS OF OPERATION. The BGSO shall establish the hours of operation for the Botanical Garden and shall consider the public interest in establishing such hours. The public parking lot will be open during daylight hours.

10.0 SIGNS. Lessee may place such signs as it may deem proper on the premises, so long as said signs are in compliance with Lessor's sign ordinances.

11.0 PROGRAM ACCESSIBILITY AND PROGRESS.

11.1 As consideration for this lease, BGSO will offer free general admission to the Garden each Saturday morning from 9:00am to 12:00pm. This waived fee provision only applies to general admissions and not to specialty areas, buildings or events that require a separate entry fee. In addition to the above stated consideration, BGSO will recognize the importance of its botanical educational role by making garden access arrangements with the Fayetteville School District for students and teachers.

11.2 Groups using any of the facilities of the Garden shall abide by all regulations as established by the City and the BGSO.

11.3 **PROGRESS.** BGSO will develop and open a botanical garden on the City property identified with this lease agreement. BGSO will offer botanical garden programmatic and educational services as part of its mission. BGSO will establish an initial yearly attendance goal minimum for all BGSO garden services and programs of 5,000 people beginning with calendar year 2005. BGSO will develop a three to five year plan of action with stated goals and objectives. BGSO will continue to review, refine and renew these actions plans during the course of this lease. BGSO will prepare, publish and present an annual operations report to be submitted to the Fayetteville City Council.

12.0 **LAWS.** The BGSO shall comply with all present and future laws, ordinances, and rules and regulations, pertaining to the City of Fayetteville including, but not limited to, the Americans with Disabilities Act and the Arkansas Freedom of Information Act.

13.0 **RESOLUTION OF CONFLICT.** In the event of disagreement regarding operations procedures or scheduling, a committee consisting of four (4) members, one (1) appointed by the City, one (1) appointed by the City Parks & Recreation Advisory Board, and two (2) by the BGSO will be constituted to resolve the differences. If no resolution is reached within a reasonable period, then this committee shall refer the matter to the City Council, whose decision shall be binding to both parties.

14.0 **INSURANCE.** The BGSO agrees to obtain and maintain through the duration of the lease at its own expense, Commercial General Liability Insurance covering public liability, bodily injuries, death, products liability and property damage for damages and expenses arising out of the operation of the Garden prior to opening the Garden to the public.

15.0 **DEFENSE AND INDEMNIFICATION.** The BGSO agrees to defend, indemnify and hold the City, its officers, employees, agents and representatives harmless against all damages, expenses, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of the BGSO, its officers, employees, agents or representatives by reason of the operation of the Garden under this agreement, including, but not limited to, damage to or destruction of property or injuries to or death of a person or persons.

16.0 **SELECTION OF TRUSTEES.** The BGSO agrees that the City Council will appoint one (1) member of the BGSO's Board of Directors. One member shall be a current member of the City's Parks and Recreation Advisory Board and one member must represent the Parks and Recreation Staff. The BGSO further agrees to supply the names of those persons elected to the Board of Directors to the City Clerk as public record. The Board of Directors shall faithfully and diligently exercise such authority as herein conferred in conformity with the provisions of this agreement.

16.1 The BGSO shall file a true and correct copy of its corporate charter, with amendments, if any, and an accurate and complete copy of its Bylaws and any amendments thereto, and a copy of the I.R.S. Letter of Determination of I.R.C. Sec. 501(c)(3) status with the City to be maintained as a public record. In the event of subsequent amendments to such charter or bylaws, true and correct copies of the same shall be timely filed with the City Clerk.

17.0 **FUNDING SOURCES.**

17.1 In order to achieve and continue the public purpose of this agreement, funding shall be provided or permitted but not limited to the following sources:

A. The BGSO agrees to use its best efforts to secure gifts of cash, services, endowments, and plant materials for the purpose of fulfilling its obligations hereunder. Any funds raised for the Garden by the BGSO shall be used for the purpose of equipping and maintaining the Garden, for the improvement of real property, for the general maintenance of the Garden, or for any other purpose designated by the BGSO's Board of Directors.

B. Generated revenue from admission, gift shop, program and service fees, and miscellaneous rental income.

C. Gifts, grants, bequests and devises from private donors, expended in conformance with the terms of their receipt.

D. Earned income from investments.

E. Bond funds as may be authorized.

18.0 FINANCIAL REPORTS. In accordance with the BGSO's Bylaws, the City shall receive a copy of the financial audit of the Garden's financial books and records every year. The report will be provided within ninety (90) days of each completed audit. In addition, the BGSO shall timely provide to the City the yearly operating budget of the BGSO.

19.0 RENT, FEES, CONCESSIONS AND TAXES. The BGSO shall have the right to set admission fees to the Garden as well as fees for optional services such as programs, space rental, etc. Fees shall be reasonable and in line with similar services available in the tourism market place.

19.1 The BGSO shall pay promptly all taxes and license fees of whatever nature applicable under municipal, state, and federal law. In addition, the parties agree that the BGSO shall indemnify and save the City harmless from and against any liens or similar liabilities claimed or changes against the BGSO pursuant to the BGSO's operation of the Garden.

20.0 REMEDIES FOR BREACH OR VIOLATIONS OR DISPUTES.

20.1 Termination of Agreement. The parties agree that if either party materially breaches or fails to perform its obligations under this agreement, the other party may give notice in writing of intent to terminate. If the breaching or non-performing party fails to commence and effect cure in good faith to the satisfaction of the other party within ninety (90) days of such notice or such longer period, if agreed in writing by the parties, the agreement shall be deemed terminated at the expiration of the ninety (90) days period or other agreed period. Any request of extension shall not be unreasonably withheld.

20.2. In the event the BGSO shall be adjudicated bankrupt or insolvent or take the benefit of any reorganization of composition proceedings or insolvency law, or make an assignment for the benefit of creditors, or if the BGSO's interest under this agreement shall be levied upon or attempted to be attached or sold under any process of law, or if a receiver shall be appointed for the BGSO, then and thereafter the City shall have the right and option to terminate this agreement irrespective of whether or not default exists hereunder, said determination to be effective immediately upon City's exercise of such option by giving written notice to the BGSO.

20.3 The parties agree that neither part shall be liable or responsible to the other for delays or impossibilities of performance caused by force majeure occurrences beyond the control of the parties including, but not limited to, civil disorder, fires, floods, or acts of God.

BOTANICAL GARDEN SOCIETY
OF THE OZARKS, INC.

By: Blair Johanson
Blair Johanson, President

CITY OF FAYETTEVILLE, ARKANSAS

BY: _____
Charles Daniel Coody, Mayor

ATTEST:

By: _____
Name and title:



Map Showing Area Leased To
Botanical Garden Society of the Ozarks, Inc.
Lease Area = 82.13 Acres ±

Legend

- BGSO Lease Area
- City Property Line
- Streams
- Streets
- Lake

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Alternative Trans. & Trail
Master Plan
A. 5. Page 1X AGENDA REQUESTFor the Fayetteville City Council Meeting of: September 2, 2003

FROM:

Steve HatfieldParks & RecreationOperations

Name

Division

Department

ACTION REQUIRED: Adopt the Alternative Transportation and Trails Master Plan as an official planning document.

SUMMARY EXPLANATION: Fayetteville Alternative Transportation and Trail Plan offers recommendations for improving community access to outdoor resources and community destinations by developing a network of off-street multi-use trails and on-street linkages. The purpose of this Master Plan is to address the needs of the citizens and visitors related to transportation, recreation and economic pursuits that can be addressed through a comprehensive alternative transportation and trail system. It was developed by The City of Fayetteville in association with the Sidewalk and Trails Committee, and citizens of Fayetteville. It responds to specific needs that were defined by citizens through a series of public workshops. This Plan recommends the implementation of a network of multi-use trails and on-street linkages. The system is extensive and comprehensive, and at the same time provides a realistic program for satisfying the needs of citizens regarding access to outdoor resources and linkages to popular destinations. Building the system will take many years. The overall system is divided into three phases, near term, mid term and long term.

STAFF RECOMMENDATION: Adoption of the Alternative Transportation and Trail Master Plan.Steve Hatfield
Division Head8/14/03
Date

Received in Mayor's Office

8/15/03 AB
DateD.P. White
City Attorney8/15/03
DateSam Dumas
Department Director8/14/03
Date

Cross Reference:

Stephane
Finance & Internal Services Dir.8-15-03
Date

Previous Ord/Res#:

Kyle Ewert
Chief Administrative Officer8-19-03
Date

Orig. Contract Date:

Orig. Contract Number:

Sam Corby
Mayor8/14/03
Date

New Item:

☒ Yes☐ No



MEMORANDUM

Date: 8/14/03
To: Mayor Dan Coody and City Council Members
Thru: Gary Dumas, Director of Operations
Connie Edmonston, Director Parks and Recreation Division
From: Steve Hatfield, Park Landscape Architect, Trails & Greenways Coordinator *Steve*
Reference: Alternative Transportation and Trails Master Plan
Subject: Master Plan Adoption

Parks and Recreation Division request the opportunity to present the Alternative Transportation and Trails Master Plan for your review and approval at the September 2, 2003 City Council meeting.

Background

The Fayetteville Alternative Transportation and Trail Plan offers recommendations for improving community access to outdoor resources and community destinations by developing a network of multi-use trails and on-street linkages. The purpose of this Master Plan is to address the needs of the citizens and visitors related to transportation, recreation and economic pursuits that can be accomplished through a comprehensive alternative transportation and trail system.

The Plan addresses policies, programs, and physical improvements that should be implemented to improve alternative transportation opportunities throughout the community. The proposed system is extensive and comprehensive, and at the same time provides a realistic program for satisfying the needs of citizens regarding access to outdoor resources and linkages to popular destinations. Building the system will take many years. The overall system is divided into three phases, near term, mid term and long term.

The plan was developed by the City of Fayetteville in association with the Sidewalk and Trails Committee, and citizens of Fayetteville. It responds to specific needs that were defined by citizens through a series of public workshops.

Included in the front of the Alternative Transportation and Trail Master Plan is an Executive Summary which highlights the vision, goals and objectives of the plan as well as recommendations for implementation.

For further information, contact the Trails and Greenways Coordinator, Steve Hatfield (479-718-7688)

Current Status

This Plan has been presented and approved by the Sidewalk and Trails Committee and the Parks and Recreation Advisory Board and is on the agenda for the August 25, 2003 Planning Commission meeting.

By adopting the Master Plan, the City of Fayetteville can promote at least seven of the twelve guiding principals. They include preserving and enhancing our natural areas, providing a well maintained infrastructure, revitalizing south Fayetteville, enhancing mobility, increasing HMR tax revenue streams and establishing fun activities for both residents and visitors.

Recommendation

Adoption of the Alternative Transportation and Trails Master Plan

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE ALTERNATIVE
TRANSPORTATION AND TRAILS MASTER PLAN AS AN
OFFICIAL PLANNING DOCUMENT.

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 adopts the Alternative Transportation and Trails Master Plan as an
official planning document.

PASSED and APPROVED this 2nd day of September, 2003.

APPROVED

By DAN GOODY, Mayor

ATTEST:

By SONDRA SMITH, City Clerk

DRAFT

STAFF REVIEW FORM - FINANCIAL OBLIGATION

McClelland Contract
Amend #3 Wilson Springs
A. 6. Page 1XXXXX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEWFor the Fayetteville City Council Meeting of: September 2, 2003

FROM:

Gary DumasOperations

Name

Division

Department

ACTION REQUIRED: Approve Contract Amendment #3 to Engineering Agreement with McClelland Engineers, Inc. for the Fayetteville Business Technology Park Project (Wilson Springs Business Park). Amendment #3 will add services and fee of \$5,000 and amend to scope by adding two work tasks to the previously approved contract necessary to complete the survey work required by the sales contract with Legacy Project, LLC and the City of Fayetteville.

COST TO CITY:

<u>\$5,000.00</u>	<u>\$145,085</u>	<u>Business and Technology Park</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>6060-6600-5314-00 and 4470-9470-5809</u>	<u>\$ 101,936.01</u>	
Account Number	Funds Used to Date	Program / Project Category Name
<u>95075-10</u>	<u>\$ 43,148.99</u>	<u>General Fund/Sales Tax</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

XXXXX Budgeted Item _____ Budget Adjustment Attached

[Signature]
Budget Manager

8-13-03
Date

CONTRACT/GRANT/LEASE REVIEW:

[Signature]
Accounting Manager

8/13/03
Date

[Signature]
Internal Auditor

8/11/03
Date

[Signature]
City Attorney

8/14/03
Date

[Signature]
Purchasing Manager

8/15/03
Date

STAFF RECOMMENDATION: Approve Resolution Authorizing Contract Amendment

Received in Mayor's Office

8/16/03 LB
Date

Division Head

Date

[Signature]
Department Director

8-8-03
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

8-15-03
Date
Previous Ord/Res#: 20-02
[Signature]
Chief Administrative Officer

8-15-03
Date
Orig. Contract Date: 2/5/02Orig. Contract Number: 825
[Signature]
Mayor

8/14/03
Date

New Item:

Yes

No



Description Contract Amendment #23

Meeting Date September 2, 2003

Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

How much of the \$5000 will
go to each account number?

Grants Coordinator

Reference Comments:

I think all of the \$5000
will go to 4470-9470-5809-00
JK

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas

Date: Friday, August 08, 2003

Subject: Amended Contract With McClelland Consulting Engineers for Work Necessary to Complete the Required Survey for the Sale of the Wilson Springs Business Park

Background: In the late 1980's, the City of Fayetteville began efforts to develop what was then known as the Arkansas Research and Technology Park, a 289 acre tract of land.

McClelland Engineering was retained in 2002 to assist the City in designing the proposed City owned Business Park.

In the Spring of 2003 a private buyer came forward interested in purchasing the 289 acres for \$5.2 million the 289 acres and the City's design efforts in the initial contract were amended require only necessary survey work to allow conveyance of the property along with defining accurately the limits of delineated wetlands.

Discussion: As the work progressed differences in earlier survey work performed by others were found, along with the lack of easement information on various utilities that were installed by the City of Fayetteville during the 1990's. These issues will require additional work to resolve sufficiently for the survey to be completed and recorded with the County Recorder. The cost of this additional work is not to exceed \$5,000.

Information collected and drafted to date has been provided to the purchaser as requested in order to permit their design work to proceed. However, the survey required to be provided to the buyer can not be completed until these issues are resolved and incorporated on to the completed map of survey.

Recommendation: Approve Resolution authorizing execution of the attached Contract.

RESOLUTION NO. _____

A RESOLUTION APPROVING CONTRACT AMENDMENT NO. 3 WITH McCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00) TO COMPLETE SURVEY WORK REQUIRED UNDER THE REAL ESTATE CONTRACT WITH LEGACY PROJECT, LLC.

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 contract Amendment No. 3 with McClelland Consulting Engineers, Inc. in an amount not to exceed Five Thousand Dollars (\$5,000.00) to complete survey work required under the real estate contract with Legacy Project, LLC. A copy of the amendment, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 2nd day of September, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

**AMENDMENT NO. 3
TO
ENGINEERING AGREEMENT
FAYETTEVILLE BUSINESS TECHNOLOGY PARK PROJECT**

STATE OF ARKANSAS

COUNTY OF WASHINGTON

The basic agreement entitled CITY OF FAYETTEVILLE BUSINESS TECHNOLOGY PARK PROJECT, ENGINEERING AGREEMENT, is hereby amended. The referenced basic agreement pertains to the engineering services associated with the Phase 1 development of a 289-acre (approximately) parcel of City-owned land into a Business Technology Park. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers (hereinafter "McClelland") changes the Project Schedule, Scope of Services and Fees due to a request by the City of Fayetteville for additional services associated with the ALTA/ACSM survey per Amendment No. 2 of the basic agreement. These additional services are necessary to provide information and clarify discrepancies needed to complete the survey plat required by the City of Fayetteville in accordance with Item Number 3 of the REAL ESTATE PURCHASE AND SALE CONTRACT BETWEEN LEGACY PROJECT, LLC AND THE CITY OF FAYETTEVILLE.

The following sections are hereby amended as follows:

SECTION II - PROJECT SCHEDULE:

The amended completion date for the amended scope of work shall be sixty (60) days from the time McClelland is authorized by the City of Fayetteville to proceed.

SECTION III - SCOPE OF SERVICES:

The amendment to the basic agreement changes the Scope of Services by adding Items 20 through 21 to the previously amended basic agreement as follows:

20. Provide field clarification of surveying coordinates for twelve existing monuments and document the information on the survey plat.
21. Provide additional notes and clarification to the survey plat as required after the city's review.

SECTION IV - FEES:

Per the above change in Scope of Services, the resulting Not to Exceed Fee is hereby increased from the previously-amended amount of \$71,000 to the increased sum of \$76,000.

Except as amended specifically herein, the basic ENGINEERING AGREEMENT shall remain in full force as originally approved, executed and previously amended.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn
President

Attest: Carole D. Jones
Project Engineer

Date: 8/4/03

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Bank of America
Procurement Card
A. 7. Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 2, 2003

FROM:

Peggy Vice Purchasing Division Internal Services
 Name Division Department

ACTION REQUIRED: Approval of procurement card policy and contract with Bank of America to provide procurement cards and associated software.

COST TO CITY:

<u>\$7,000.00</u>	<u>\$ 12,908.00</u>	<u>Materials & Supplies</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>1010.1610.5209.00</u>	<u>\$ 4,137.00</u>	<u>Purchasing</u>
Account Number	Funds Used to Date	Program / Project Category Name
	<u>\$ 8,771.00</u>	<u>General</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

[Signature] 8-25-03
 Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u> <u>8/15/03</u>	<u>[Signature]</u> <u>8/18/03</u>
Accounting Manager Date	Internal Auditor Date
<u>[Signature]</u> <u>8/18/03</u>	<u>[Signature]</u> <u>8-15-03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION:

Division Head _____ Date _____

Department Director _____ Date _____

Finance & Internal Services Dir. 8-19-03
DateChief Administrative Officer 8-19-03
DateMayor 8/20/03
Date

Received in Mayor's Office

8/20/03
Date 8-16

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

Description Bank of America- Procurement Card Meeting Date September 2, 2003

Comments:

Budget Manager

Accounting Manager

City Attorney

See memo of 7-17-03 at
8-18-03 about problems with
Contract terms: indemnity, arbitration, A2 law

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

Reference Comments:

Agreement has been modified to remove
CASH advance; conference check references.
Indemnity clause has been revised to mirror
indemnity language contained in Bank of
America lease agreements. AD

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT A CONTRACT WITH
BANK OF AMERICA CORPORATE PURCHASING
CARD AGREEMENT

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 and agrees to the Bank of America Corporate Purchasing Card Agreement (attached as Exhibit A) and further authorizes the Mayor to execute said contract.

PASSED and APPROVED this the 16th day of September, 2003.

APPROVED:

By: _____
DAN CODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer
Steve Davis, Finance & Internal Services Director 

FROM: Peggy Vice, Purchasing Manger 

DATE: August 15, 2003

SUBJECT: Bank of America Corporate Procurement Card

Background

Currently, City Staff makes purchases throughout the City by purchase orders, petty cash and check requests. The current process is time consuming and staff time intensive. More and more vendors no longer accept purchase orders because they are either in the process or have eliminated their accounts receivables and/or utilize a third party finance company to issue store specific credit cards. This method is utilized as little as possible by the City because there are no controls or tracking systems to keep up with who has charged what item and there are no limits set that could prevent abuse.

Discussion

Staff is presenting this agenda item for City Council approval to enter into an agreement with Bank of America to implement a procurement card (P-Card) program. This P-Card program promises to reduce staff time currently devoted to completing the forms, obtaining petty cash, etc. in making purchases. Staff will meet with each department head and set their department dollar limits based on their purchasing history. Each department head will determine who in their department will be issued a card. The person issued a card will be put through a training period before they will be issued a card. A financial person in each department will oversee that department's activity and final approval of payment will be approved by the department head.

Staff has put together the Procurement Card Policy so it is very clear in the proper authorized use. Abuse of the procurement card is a terminating offense. Staff wants it to be very clear with no gray areas and wants Council's full support. Attached is the new policy and standard operating procedure regarding authorized use of procurement cards.

This is a new and exciting process for the City. We have never operated with a City procurement card before. Staff met with the Business Manager of the University of Arkansas a few months ago when investigating the potential use of procurement cards and she couldn't say enough good things about the change to procurement cards. They hope to put everything on procurement cards in the future including utilities and large ticket items.

Staff also discussed the negatives and positives with the City of Ames, Iowa, who is now on the EGLES Bank of America procurement card program that we are proposing. Ames, Iowa is about the same size town as Fayetteville and is also a university town. They have been on the EGLES system for about 1 ½ years. They are very happy with the service of Bank of America and their EGLES system. They have realized a large reduction in data entry, paper flow and staff time. They require their people to go through training before issuance of a procurement card and monitor their usage. They don't have any negatives. They wish they had went to the procurement card sooner. Every aspect of the change has been positive.

Staff Recommendation:

Staff recommends approval of a contract with Bank of America and full support of The Procurement Card Policy by City Council.

This is an effort by Staff to accomplish "Guiding Principle #4":

- By selecting the most advantageous way of purchasing materials and supplies
- By utilizing the best use of staff time.
- By providing top-quality, responsive service through new technology.
- By providing the fastest and best method of payment to the City's vendors.

ANK OF AMERICA CORPORATE PURCHASING CARD AGREEMENT

This Bank of America Corporate Purchasing Card Agreement (the "Agreement") is made by and between Bank of America, N.A. (USA), ("Bank of America"), a national banking association, and "City of Fayetteville" and shall be effective as of the Effective Date set forth below.

Recitals

A. Bank of America is a member of MasterCard® International Incorporated ("MasterCard") and Visa® U.S.A. Inc. ("Visa") with full power and authority to issue cards for business and commercial use;

B. Bank of America issues and services corporate purchasing cards for business and commercial use; and

C. City of Fayetteville desires to obtain and use, and Bank of America desires to issue to City of Fayetteville, one or more corporate purchasing card accounts which will be subject to the terms and conditions in this Agreement.

NOW, THEREFORE, for valuable consideration, the parties agree as follows.

1. DEFINITIONS.

A. "Account" means each MasterCard or Visa Corporate Purchasing Card account, including a Cardless Account, which Bank of America (i) issues pursuant to this Agreement or (ii) issued (and still outstanding as of the Effective Date of this Agreement) pursuant to a previous agreement no longer in effect. Each reference in this Agreement to "the Account" will mean City of Fayetteville's Account, a Participant's Account, a Cardholder's Account, or any combination of them, as applicable.

B. "Billing Statement" means the official invoice provided to City of Fayetteville, Participant and/or Cardholder which identifies each Transaction posted during the billing cycle, the date of each Transaction and the applicable fees and charges. Unless otherwise determined by Bank of America, the official invoice is in paper, not electronic, medium.

C. "Business Use" means use for business-related purposes.

D. "Card" means each plastic charge card which Bank of America issues or has issued for the Account which is not a Cardless Account.

E. "Card Administrator" means an individual or individuals authorized by City of Fayetteville or a Participant, as applicable, to request Bank of America to add or delete Cards and to communicate with Bank of America and take other action needed to maintain the Account.

F. "Cardholder" means an employee or agent of City of Fayetteville or of a Participant who City of Fayetteville or a Participant designates in writing and who Bank of America approves to receive an Account or a Device, including a Cardless Account. If a Cardholder or a Card Administrator makes a Device available for use by another party, that person will be considered a Cardholder.

G. "Cardless Account," also called a "Control Account," means an Account for which Bank of America assigns only an Account number, but provides no Card or Convenience Checks.

H. "Deleted".

I. "Deleted".

J. "Device" means a device such as a Card or Account number, which Bank of America provides under this Agreement to use to make Transactions or other charges on the Account.

K. "Guarantor" means a person or entity, other than City of Fayetteville or a Participant, that agrees to assume responsibility for the obligations of this Agreement, including payment of any amounts owed.

L. "Participant" means a subsidiary, affiliate or division of City of Fayetteville which City of Fayetteville designates in writing on a Participant Account Form and which Bank of America approves, for Bank of America to issue an Account with its own Account number. A Participant Account Form, upon completion by City of Fayetteville and approval by Bank of America, will be made a part of this Agreement.

M. "Payment Due Date" means the payment due date shown on the Account Billing Statement which date shall be the last day of the Settlement Period.

N. "Settlement Period" means the number of days after the statement closing date within which payment is due, as designated in Schedule A hereto.

O. "Transaction" means a purchase or reservation of goods or services ~~or a Cash Advance~~ made or facilitated by use of a Device or the Account.

P. "Unauthorized Use" means use of the Account or a Device by a person (i) who is not a Cardholder; (ii) who does not have actual, implied or apparent authority to use the Account or Device; and (iii) whose use does not result in a direct or indirect benefit for City of Fayetteville, a Participant or Cardholder.

2. EXCLUSIVITY.

City of Fayetteville grants Bank of America the exclusive right to issue and provide to City of Fayetteville, each Participant and each Cardholder credit cards for use in connection with the procurement of goods and services incidental to City of Fayetteville's or Participant's business or business activities, including travel and entertainment expenses. During the term of this Agreement, City of Fayetteville will use no other card issuer for this purpose.

3. USE OF ACCOUNT AND DEVICES.

A. The Account and Devices will be used only for Transactions in connection with the procurement of goods and services incidental to City of Fayetteville's or Participant's business or business activities, including travel and entertainment expenses.

B. The Account will be used for Business Use only, and City of Fayetteville will so advise and require each Cardholder and each Participant accordingly. City of Fayetteville will pay for Transactions and fees which Bank of America applies to the Account or Devices.

C. City of Fayetteville and each Participant will follow, and will take all steps necessary or prudent to require each Cardholder to follow, the following procedures:

1. A Cardholder using a Card for a Transaction may sign a sales draft which the merchant's financial institution processes. However, failure to sign a sales draft or receive a sales receipt will not relieve City of Fayetteville of its obligations under this Agreement. City of Fayetteville should retain or should direct each Cardholder to retain each sales draft as a record of the Transaction.
2. A Card will not be used before the Card's valid date or after the Card's expiration date.
3. City of Fayetteville and each Cardholder will check to see that the information embossed on a new Card and sent to City of Fayetteville or Cardholder is correct. If there is an error, City of Fayetteville will notify Bank of America immediately.

D. Bank of America may, at the request of City of Fayetteville or a Participant, establish a Cardless Account.

E. If City of Fayetteville or Participant desires to terminate the Account or Card use by a Cardholder, City of Fayetteville or Participant, as applicable, will notify Bank of America and will destroy the Devices issued or provided to that Cardholder. City of Fayetteville may exclude a Participant from the Account by giving Bank of America written notice, and Bank of America will have a reasonable period of time to act on any such notice. If this Agreement terminates, City of Fayetteville will be responsible for promptly destroying all Devices for the Account.

F. A Transaction may require the merchant, supplier or financial institution to seek prior authorization from Bank of America before completing the Transaction.

If City of Fayetteville advises Bank of America in writing of its desire to restrict a certain type of Transaction identified by a certain merchant category ("Merchant Category Code"), Bank of America will take reasonable steps to withhold a requested authorization of that Transaction type, provided it is identified by the appropriate Merchant Category Code. However, Bank of America will not be liable to City of Fayetteville if merchants, suppliers or financial institutions nonetheless accept a Card or the Account for that Transaction type.

G. Bank of America is not liable if a merchant or supplier does not honor a Card or if authorization is not given.

H. If Participant is or no longer will be a majority-controlled subsidiary, affiliate or division of City of Fayetteville, City of Fayetteville must notify Bank of America immediately; Bank of America will have the right to terminate any Account or Device which that Participant or Participant's Cardholders use.

I. Bank of America may, at the request of City of Fayetteville or a Participant, establish an Account with a designation which is not an actual individual, including, without limitation, a vehicle identification number, license number, department name or "Authorized Representative".

J. Bank of America may deny authorization for any Transaction if Bank of America suspects fraudulent activity or Unauthorized Use, or for other reasons. Bank of America is not liable for any failure to authorize a Transaction.

4. CHARGE LIMIT.

A. There will be one total charge limit for the City of Fayetteville Account and Participant Account ("Aggregate Charge Limit"). Each Card will have its own charge limit ("Card Limit"). In its sole discretion, and for purposes of limiting potential losses or for administering time-sensitive requests, Bank of America may increase or decrease the Aggregate Charge Limit or any Card Limit.

B. City of Fayetteville, a Participant and Cardholders will not incur Transactions which would cause the sum of City of Fayetteville's and Participant's unpaid balance to exceed the Aggregate Charge Limit or to cause a Card Limit to be exceeded. Any amount exceeding the Aggregate Charge Limit or Card Limit shall be immediately due and payable.

C. If the Aggregate Charge Limit or a Card Limit is exceeded, or if an Account payment is late, Bank of America shall no longer be obligated to allow any further Transactions.

5. CITY OF FAYETTEVILLE LIABILITY; ACCEPTANCE OF AGREEMENT.

A. By activating, signing or using any Device or Account, City of Fayetteville agrees to be bound by this Agreement regardless whether City of Fayetteville signs this Agreement. City of Fayetteville will pay Bank of America for all Transactions, whether City of Fayetteville or Cardholder billed, regardless of the purpose for which the Transaction is made, and for applicable fees and charges described in Schedules A and B.

B. City of Fayetteville's responsibility for Card and Account usage will continue until: (1) Receipt by Bank of America of City of Fayetteville's or a Participant's written notice to close the Card or the Account; (2) actual closure of the Account by Bank of America; and (3) payment to Bank of America of all amounts due under this Agreement.

C. City of Fayetteville does hereby grant to Bank of America a security interest and contractual right of offset in and to, all deposit accounts now or subsequently maintained by the City of Fayetteville with Bank of America or any of its affiliates and subsidiaries. The City of Fayetteville, by its execution of this Agreement or use of a Device, authorizes Bank of America to enter into a master control agreement with its affiliates and subsidiaries authorizing, upon the occurrence and continuance of any default under this Agreement, the disposition of funds in any such deposit account to satisfy all liabilities incurred hereunder, without the further consent of the City of Fayetteville. The City of Fayetteville's execution of this Agreement or use of a Device shall constitute an authenticated record for the purposes of establishing control of such deposit accounts under the Uniform Commercial Code.

D. "Deleted"

To the extent permitted by law, the City shall indemnify and defend Bank of America against any and all claims, actions, suits, and other demands for damages related to the City's Procurement Card Agreement. This indemnification does not waive or reduce the City's statutory immunity as to any third party claimants nor provide any third party beneficiary rights to any claimant or other person or entity.

6. BILLING STATEMENTS.

A. Bank of America will provide a Billing Statement to the Card Administrator or to such other City of Fayetteville employee or agent as City of Fayetteville designates in writing.

B. Bank of America may provide City of Fayetteville and the Participant, as applicable, a monthly report listing each Cardholder who has an Account balance unpaid since the Payment Due Date on the most recent Billing Statement issued to the Cardholder and therefore is subject to cancellation of Account charge privileges ("Delinquency Report"). Providing the Delinquency Report shall not constitute a waiver by Bank of America of any rights and remedies it may have under this Agreement.

7. PAYMENTS.

A. City of Fayetteville will pay Bank of America the total amount of the new balance shown as due on each Billing Statement on or before the Payment Due Date shown on that Billing Statement. If City of Fayetteville does not make payment in full by the Payment Due Date, Bank of America, at its option, may assess a late fee and finance charge in accordance with this Agreement. Assessment of a late fee or finance charge shall not be deemed to extend the time for any payment hereunder or to constitute a "grace period" in which to cure any default.

B. City of Fayetteville or a Participant may arrange for direct Account payment to Bank of America from Cardholders. No such arrangement will amend or modify City of Fayetteville's liabilities, including responsibility for payment, in this Agreement.

C. There is no right to defer any payment due on the Account.

D. City of Fayetteville shall make payment electronically via the Automated Clearing House (ACH), and Bank of America may initiate ACH debits to any deposit account specified by City of Fayetteville at any financial institution.

E. All remittances must include the complete Account number in order to be processed. Failure to include the complete Account number shall constitute a failure to make the payment.

8. **CARD ADMINISTRATOR.** City of Fayetteville will identify one or more Card Administrator(s) who will be Bank of America's primary contact for such things as: designation of Cardholders, designation of Cardholders to receive any Devices, and correspondence regarding the Account or this Agreement, except as provided elsewhere in this Agreement. City of Fayetteville may add, change or eliminate a Card Administrator by giving Bank of America written notice.

9. LOST OR STOLEN CARDS.

A. Each Transaction resulting from use of a Device will be assumed to be an authorized Transaction unless Bank of America has received prior written notice from

City of Fayetteville or Participant, as applicable, that the Cardholder is no longer authorized to use the Account.

B. If a Device such as a Card is lost or stolen, or if there is possible Unauthorized Use, City of Fayetteville must require each Participant and Cardholder to notify Bank of America as soon as practically possible within the first 24 hours following discovery of the loss or theft or possible Unauthorized Use by phoning Bank of America at the phone number provided for such notice on the Billing Statement, with written confirmation as requested in connection with Bank of America's investigation. If (i) notice as provided in this Section is given within the first 24 hours; and (ii) City of Fayetteville assists Bank of America in investigating facts and circumstances relating to the loss or theft or possible Unauthorized Use of any Device, including without limitation, obtaining an affidavit or similar written, signed statement from the Cardholder, then City of Fayetteville or Participant, as applicable, will not be liable for Transactions resulting from Unauthorized Use.

10. LICENSE TO USE CITY OF FAYETTEVILLE'S MARKS. If requested by City of Fayetteville, Bank of America may place City of Fayetteville's trademark, tradename, service mark and/or designs ("City of Fayetteville's Marks") on the Card and collateral materials. City of Fayetteville shall provide the graphics to Bank of America in sufficient time to allow for review and approval by Bank of America and, if necessary, the respective card association. City of Fayetteville grants to Bank of America a non-exclusive license to use, during the term of this Agreement, City of Fayetteville's Marks on the Cards and on other materials related to the Accounts. City of Fayetteville agrees to defend, indemnify and hold harmless Bank of America, its affiliates and their respective directors, officers, agents and employees for any and all losses, costs, liabilities or expenses (including, without limitation, attorneys' and expert witnesses' fees) incurred or arising from any claim that the use of any of City of Fayetteville's Marks infringes the intellectual property rights of any third party.

11. SOFTWARE.

A. The use of Visa InfoSpan software, MasterCard Smart Data software or any other third party software program and related documentation, if any, provided in connection with this Agreement shall be governed by the terms of the end-user agreement accompanying the software.

B. Upon payment of the requisite license and related fees, Bank of America grants City of Fayetteville a non-exclusive, non-transferable, enterprise license to use for internal business purposes the EAGLS® software ("Software") and documentation as amended from time to time by Bank of America ("Documentation") which is provided by Bank of America to City of Fayetteville. Title, ownership rights and intellectual property rights in the Software and Documentation shall remain in Bank of America or its parent, Bank of America Corporation. City of Fayetteville acknowledges such ownership and intellectual property rights and will not take any action to jeopardize, limit or interfere in any manner with Bank of America's or its parent City of Fayetteville's rights with respect to the Software or Documentation. City of Fayetteville agrees to use the Software and Documentation as specified by Bank of America.

12. FEES. City of Fayetteville agrees to pay the fees and charges set forth in Schedule A and Schedule B hereto which are incorporated herein by reference.

13. FINANCE CHARGE. In the event City of Fayetteville fails to pay the total amount shown as due on a Billing Statement by the Payment Due Date shown on that Billing Statement, the amount unpaid shall be subject to a finance charge starting no sooner than the first day of the next billing cycle. To calculate the finance charges for a billing cycle, the daily periodic rate is multiplied by the average daily balance, and that product is multiplied by the number of days in the billing cycle. The daily periodic rate is the annual percentage rate divided by 365. The annual percentage rate is the prime rate published in the Money Rates section of *The Wall Street Journal* in effect on the first day of each calendar month (the "Prime Rate") plus the number of percentage points stated in Schedule A. The average daily balance is the sum of the daily past due balances (including, for each day, finance charges from previous day) less payments credited to the past due balance, divided by the number of days in the billing cycle.

14. AMENDMENT OF THIS AGREEMENT. Bank may, upon written notice to City of Fayetteville, amend this Agreement by changing, adding or deleting any term, condition, service or feature of an Account or of this Agreement. City of Fayetteville shall have thirty (30) days from the effective date of the amendment to notify Bank of America in writing that the amendment is not accepted. Any such notice of non-acceptance shall be deemed to be a notice of termination under Section 19 of this Agreement. Failure of City of Fayetteville to provide a notice of non-acceptance within thirty (30) days after the effective date of an amendment will mean that City of Fayetteville has accepted the amendment. Unless otherwise stated, any amendment will apply to an Account's unpaid balance and to new activity on the Account.

15. MERCHANT/SUPPLIER CLAIMS AND DISPUTES.

A. Bank of America will have no liability, and City of Fayetteville and each Participant and Cardholder will hold Bank of America harmless, for all Transactions and for use of the Account. City of Fayetteville will make a good-faith effort to resolve with a merchant or supplier any claim or dispute arising from a Transaction and waives any claim against Bank of America for any merchant's or supplier's refusal to honor any Device.

B. In a dispute with a merchant or supplier, the rights of the City of Fayetteville, any Participant and each Cardholder against the merchant or supplier will become the rights of Bank of America, and City of Fayetteville and Participant will assign (and require the affected Cardholder to assign) to Bank of America each of their rights to assert a billing error against the merchant or supplier. City of Fayetteville and the Participant will, and will require the Cardholder to, do whatever is necessary to enable Bank of America to exercise those rights. Bank of America may reverse from the Account any credits relating to the dispute.

16. FOREIGN TRANSACTIONS. MasterCard or Visa, as applicable, will convert to U.S. dollars any Transaction made in a currency other than U.S. dollars in accordance with the card association's applicable rules. The conversion rate on the conversion date may differ from the conversion rate on the Transaction date. Currently, MasterCard/Visa uses a currency-conversion rate of either a wholesale market rate or a government-mandated rate, increased by an adjustment factor determined by Bank of America and Visa or MasterCard. In each case, Visa uses the rate in effect one day before the conversion date and MasterCard uses a rate for the processing cycle. The adjustment factor, which is subject to change without notice, is currently 1% of the U.S. dollar amount, of which Bank of America receives 0% and Visa or MasterCard receives the remainder.

17. REPRESENTATIONS AND WARRANTIES.

A. City of Fayetteville and each Participant, as applicable, represents and warrants to Bank of America that:

1. In each state in which it conducts its business, it is properly licensed, in good standing, and, where required, in compliance with fictitious name statutes.
2. All financial and other information that it has supplied or will supply to Bank of America, including without limitation, all information on its application for the Account, is (a) accurate; (b) sufficiently complete to give Bank of America accurate knowledge of its and any Guarantor's financial condition; (c) in compliance with all laws and regulations that apply.
3. There is no lawsuit, tax claim or other dispute pending or threatened against it which, if lost, would impair City of Fayetteville's financial condition or ability to repay Bank of America under this Agreement, except as has been already disclosed in writing to Bank of America.

B. Bank of America represents and warrants to City of Fayetteville and each Participant that Bank of America is a national banking association with its principal office in Phoenix, Arizona.

C. Each party to this Agreement (City of Fayetteville, each Participant and Bank of America) represents and warrants that:

1. There is no event which constitutes, or with notice or lapse of time or both would constitute, a default on its part under this Agreement.
2. Each person signing this Agreement below on its behalf presently hold the title set next to his/her name and is duly authorized by it to bind the party to the terms and conditions of this Agreement.

18. PERIODIC REVIEW OF CITY OF FAYETTEVILLE.

A. During the term of this Agreement, when Bank of America from time to time requests information from City of Fayetteville or a Participant for the purpose of reviewing City of Fayetteville's or Participant's ability to perform its obligations under this Agreement, City of Fayetteville will furnish the information promptly. Bank of

America and its affiliates and processing agents may exchange information about City of Fayetteville and Participants as that information pertains to the rights and obligations in this Agreement.

B. City of Fayetteville will notify Bank of America in writing immediately of any change in the business name, the principal officers like the Chief Executive Officer and Chief Financial Officer, the mailing address or the phone number of City of Fayetteville or a Participant. City of Fayetteville will also notify Bank of America of any change of mailing address or phone number of any of its Cardholders.

19. TERMINATION. Either party may terminate this Agreement with or without cause upon sixty (60) days' prior written notice to the other party.

20. EVENTS OF DEFAULT

The following are events of default hereunder: (a) the failure to pay or perform any obligation, liability or indebtedness of City of Fayetteville, a Participant or a Guarantor (each, an "Obligor") to Bank of America, or to any affiliate or subsidiary of Bank of America Corporation, whether under this Agreement or any other agreement, as and when due (whether upon demand, at maturity or by acceleration); (b) the failure to pay or perform any other obligation, liability or indebtedness of any Obligor to any other party; (c) the death of any Obligor (if an individual); (d) the resignation or withdrawal of any partner or a material owner of any Obligor as determined by Bank of America in its sole discretion; (e) the commencement of a proceeding against any Obligor for dissolution or liquidation, the voluntary or involuntary termination or dissolution of any Obligor or the merger or consolidation of any Obligor with or into another entity; (f) the insolvency of, the business failure of, the appointment of a custodian, trustee, liquidator or receiver for or for any of the property of, the assignment for the benefit of creditors by, or the filing of a petition under bankruptcy, insolvency or debtor's relief law or the filing of a petition for any adjustment of indebtedness, composition or extension by or against any Obligor; (g) the determination by Bank of America that any representation or warranty made to Bank of America or to any affiliate or subsidiary of Bank of America Corporation by any Obligor in any agreement or otherwise is or was, when it was made, untrue or materially misleading; (h) the failure of any Obligor to timely deliver such financial statements, including tax returns, other statements of condition or other information, as Bank of America shall request from time to time; (i) the entry of a judgment against any Obligor which Bank of America deems to be of a material nature, in Bank of America's sole discretion; (j) the seizure or forfeiture of, or the issuance of any writ of possession, garnishment or attachment, or any turnover order for any property of any Obligor; (k) the determination by Bank of America that it is insecure for any reason; (l) the determination by Bank of America that a material adverse change has occurred in the financial condition of any Obligor; (m) the determination by Bank of America that any Obligor fails to meet the credit criteria initially used by Bank of America to approve Obligor; or (n) the failure of any Obligor to comply with any law or regulation controlling its operation.

21. REMEDIES UPON DEFAULT. Whenever there is a default under this Agreement, (a) the entire balance outstanding on all Accounts and all other obligations of any Obligor to Bank of America (however acquired or evidenced) shall, at the option of Bank of America, become immediately due and payable; (b) any obligation of Bank of America to permit further Transactions under this Agreement shall immediately cease and terminate; and/or (c) this Agreement or any Account may be terminated by Bank of America. The foregoing remedies are in addition to any other rights of Bank of America under this Agreement.

22. EFFECT OF TERMINATION. Upon termination of this Agreement, City of Fayetteville will be responsible for promptly destroying all Devices. Termination will not affect City of Fayetteville's liability for any charges or other obligations under this Agreement. After termination, this Agreement (except the ability to use the Account for additional Transactions) will remain in force until all Transactions and City of Fayetteville's other obligations under this Agreement are paid and satisfied in full. Further, City of Fayetteville shall ensure that no new Transactions are made on the Account. However, if any Transactions are made after termination, City of Fayetteville will continue to be liable until they are paid in full.

23. GOVERNING LAW. This Agreement is made in Arizona. This Agreement and the Account, as well as Bank of America's rights and duties regarding this Agreement and the Account, will be governed by the laws respecting national banking associations and, to the extent not so covered, by the laws of the State of Arizona, regardless of where City of Fayetteville resides or where a Cardholder uses the Account at any time. City of Fayetteville will submit to the personal jurisdiction of any state or federal court or of Judicial Arbitration and Mediation Service ("JAMS") located in the State of Arizona.

24. ARBITRATION.

A. This paragraph concerns the resolution of any controversies or claims between the parties, whether arising in contract, tort or by statute, including but not limited to controversies or claims that arise out of or relate to: (i) this Agreement (including any amendments or modifications); or (ii) any document related to this agreement; (collectively a "Claim").

B. At the request of any party to this agreement, any Claim shall be resolved by binding arbitration in accordance with the Federal Arbitration Act (Title 9, U. S. Code) (the "Act"). The Act will apply even though this agreement provides that it is governed by the law of a specified state.

C. Arbitration proceedings will be determined in accordance with the Act, the applicable rules and procedures for the arbitration of disputes of JAMS or any successor thereof, and the terms of this paragraph. In the event of any inconsistency, the terms of this paragraph shall control.

D. The arbitration shall be administered by JAMS and conducted in the state specified in the governing law section of this agreement. All Claims shall be determined by one arbitrator; however, if Claims exceed \$5,000,000, upon the request of any party, the Claims shall be decided by three arbitrators. All arbitration hearings shall commence within 90 days of the demand for arbitration and close within 90 days of commencement and the award of the arbitrator(s) shall be issued within 30 days of the close of the hearing. However, the arbitrator(s), upon a showing of good cause, may extend the commencement of the hearing for up to an additional 60 days. The arbitrator(s) shall provide a concise written statement of reasons for the award. The arbitration award may be submitted to any court having jurisdiction to be confirmed and enforced.

E. The arbitrator(s) will have the authority to decide whether any Claim is barred by the statute of limitations and, if so, to dismiss the arbitration on that basis. For purposes of the application of the statute of limitations, the service on JAMS under applicable JAMS rules of a notice of Claim is the equivalent of the filing of a lawsuit. Any dispute concerning this arbitration provision or whether a Claim is arbitrable shall be determined by the arbitrator(s). The arbitrator(s) shall have the power to award legal fees pursuant to the terms of this agreement.

F. This paragraph does not limit the right of any party to: (i) exercise self-help remedies, such as but not limited to, setoff; (ii) initiate judicial or nonjudicial foreclosure against any real or personal property collateral; (iii) exercise any judicial or power of sale rights, or (iv) act in a court of law to obtain an interim remedy, such as but not limited to, injunctive relief, writ of possession or appointment of a receiver, or additional or supplementary remedies.

G. The filing of a court action is not intended to constitute a waiver of the right of any party, including the suing party, thereafter to require submittal of the Claim to arbitration.

25. COSTS AND ATTORNEY FEES. If either party incurs expenses related to the enforcement of, or takes collection action under, this Agreement, the prevailing party is entitled to recover from the other party costs and reasonable attorney fees.

26. TELEPHONE MONITORING. Bank of America may listen to and/or record telephone calls between a Bank of America employee and any person acting on City of Fayetteville's or a Participant's behalf for the purpose of monitoring and improving the quality and effectiveness of Bank of America's communication.

27. SUCCESSORS AND ASSIGNS. This Agreement and all terms and conditions hereof, are not assignable or transferable by City of Fayetteville or any Participant without Bank of America's prior written consent. All the terms and provisions of this Agreement will inure to the benefit of and be binding upon each party and its successors and permitted assigns.

28. NOTICES. Any notice required or permitted under this Agreement shall be effective only if it is in writing and (i) personally delivered, (ii) sent by U.S. mail, postage prepaid, (iii) sent by a nationally recognized overnight delivery service, with delivery confirmed, (iv) telecopied, if confirmed with an error-free transmission report, or (v) e-mailed to such e-mail address as shall have been furnished to the other party, with delivery confirmed, addressed as set forth below. Such notices shall be deemed to have been duly given either five (5) business days after the date of mailing by U.S. mail as described above or if otherwise sent, on the business day of receipt. Notices delivered after 5:00 p.m. shall be considered received on the next business day. A party may alter the address or telecopy number to which notices are to be sent by giving notice of such change in conformity with the provisions of this Section 28.

Notices to Bank of America must be sent to:

A. (for U.S. Mail)
Bank of America
P.O. Box 2463
Spokane, WA 99210-2463

(for overnight delivery service)

Bank of America
Commercial Card
Floor 2
1616 South Rustle Street
Spokane, WA 99224

OR:

B. Bank of America's Large Corporate and Commercial
Card Services representative for City of Fayetteville's program
at the address designated during implementation of
City of Fayetteville's program.

C. WITH A COPY to the following address if the notice relates to a Claim:

Counsel for Commercial Card Services
Bank of America Legal Department
101 South Tryon Street
NC1-002-29-01
Charlotte, NC 28255

29. SEVERABILITY. If any provision of this Agreement is held to be invalid, void or unenforceable, all other provisions in this Agreement will remain valid and enforceable.

30. LIMITATION OF LIABILITY. BANK OF AMERICA SHALL NOT BE LIABLE TO CITY OF FAYETTEVILLE, ANY PARTICIPANT OR CARDHOLDER, FOR ANY ACTION TAKEN OR OMITTED TO BE TAKEN IN CONNECTION WITH THIS AGREEMENT EXCEPT FOR DIRECT DAMAGES ARISING FROM BANK OF AMERICA'S GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT. IN NO EVENT SHALL BANK OF AMERICA BE LIABLE TO CITY OF FAYETTEVILLE, ANY PARTICIPANT OR CARDHOLDER, FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL OR PUNITIVE DAMAGES OR LOST PROFITS OR LOST DATA.

31. WARRANTY DISCLAIMER. ALL SERVICES, EQUIPMENT, SOFTWARE AND OTHER PRODUCTS FURNISHED BY BANK OF AMERICA TO CITY OF FAYETTEVILLE OR A PARTICIPANT ARE PROVIDED ON AN "AS IS," "AS AVAILABLE" BASIS AND BANK OF AMERICA EXPRESSLY DISCLAIMS ALL WARRANTIES, INCLUDING THE WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE.

32. ONE AGREEMENT. This Agreement and any other agreements required by this Agreement, collectively: (a) represent the sum of the understandings and agreements between Bank of America and City of Fayetteville concerning the subject matter of this Agreement; (b) replace any prior oral or written agreements between Bank of America and City of Fayetteville concerning this Agreement, and (c) are intended by Bank of America, City of Fayetteville and each Participant as the final, complete and exclusive statement of the agreement between/among them. No failure on the part of Bank of America to exercise, and no delay in exercising any right under this Agreement, will operate as a waiver of that right. Unless other provisions in this Agreement expressly provide otherwise, the terms of this Agreement will prevail if there is a conflict between this Agreement and any other agreements required by this Agreement.

IN WITNESS WHEREOF, the parties hereby execute this Agreement as of the Effective Date shown below.

BANK OF AMERICA, N.A. (USA)

CITY OF FAYETTEVILLE

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Telephone Number: 479/575-8330

EFFECTIVE DATE: _____

**SCHEDULE A
TO
BANK OF AMERICA PURCHASING CARD AGREEMENT
GENERAL PRODUCT FEE SCHEDULE**

Payment Method and applicable fee:	No Fee
Annual Card Fee (Per Card):	\$0
Late Fee: Assessed if full payment is not received by Payment Due Date. <u>Central Bill Accounts:</u> Minimum \$250.00, Maximum \$3,500.00 <u>Individual Bill Accounts:</u>	2.5% of the balance due Not Applicable
Periodic Finance Charge:	Prime + 5%
Cash Advance Fee: Minimum \$5.00, no maximum	2.5% of Transaction Amount
Overlimit Fee: <u>Central Bill Accounts:</u> Assessed when Aggregate Charge Limit is exceeded. <u>Individual Bill Accounts:</u> Assessed when any Card Limit is exceeded.	\$250 per occurrence Not Applicable
Returned Payment Fee:	\$29.00 per occurrence
Copy Fee:	\$3.00 per copy
Logo Fee:	Waived
Unique Card Design Fee:	As quoted

SELECTION OF SETTLEMENT PERIOD

Indicate the Settlement Period or number of days after the statement closing date within _____ days which payment is due.

WAIVER PROGRAM: Depending on whether the Account is a Visa account or a MasterCard account, the Account will be subject to either the Visa Liability Waiver Program or the MasterCard® Liability Protection Program. This coverage is designed to protect financial institutions and companies from employee misuse of the Account resulting in unauthorized Transactions. Bank of America will waive Company's liability for waivable charges up to the limit of coverage as provided in the liability waiver program ("Waiver Program") upon notice by the Waiver Program underwriters that the Transaction at issue qualifies as a waivable charge. This waiver will be according to the terms and subject to the exclusions of the Waiver Program as established from time to time by the Waiver Program Underwriters, including without limitation, the condition that Company meets all of its obligations under the Waiver Program which may change from time to time. Current terms of the Waiver Program as set forth in the brochure, which Bank of America will provide to Company are incorporated in this Agreement by reference. The Waiver Program may be terminated by Bank of America or the Waiver Program underwriters, effective immediately upon notice to Company.

UP TO \$500,000 TRAVEL ACCIDENT INSURANCE (NOT AVAILABLE FOR CORPORATE FLEET CARDS): This coverage will offer up to \$500,000 in automatic common carrier travel, accidental death and dismemberment insurance when employees charge the entire cost of the passenger fare for land, sea, or air public transportation on their Cards. A disclosure, which outlines the program details will be provided to Company and Cardholders.

**SCHEDULE B
TO
BANK OF AMERICA PURCHASING CARD AGREEMENT
ELECTRONIC PRODUCT FEE SCHEDULE**

<i>Desktop Software:</i>	
InfoSpan	Not Selected
SmartData	Not Selected
Mailboxes	Not Selected
<i>Desktop Upgrades:</i>	
InfoSpan	\$0.00
SmartData	\$0.00
<i>Internet Software:</i>	
*Commercial EAGLS	Waived
**EAGLS EXPRES (EAGLS Dependent)	
<u>EXPRES User Fee - First Year Only:</u>	Not Selected
Minimum \$4,500, Maximum \$330,000.00	
<u>EXPRES Annual User Fee – All Subsequent Years:</u>	Not Selected
Minimum \$750, Maximum \$40,000.00	
Mailbox (EAGLS)	1 Mailbox - \$25 per month
<i>Standard Electronic File Delivery Options:</i>	
EDI 811	Not Selected
Statement Billing File	Not Selected
File Express (MasterCard Only)	
<i>Standard Reports:</i>	
All Electronic Products (Desktop & Internet)	\$0
<i>Custom Reports:</i>	
Development	\$150 per hour
Maintenance	\$150 per hour
<i>Custom Interface:</i>	
<i>Interface warranty period of 1 year</i>	
Development	\$150 per hour
Maintenance	\$150 per hour
<i>Software Training:</i>	
1 Phone Training Session per License	\$0
Training sessions on-site	\$1,500 per session
*For Company and Participants only one license fee of \$5500 applies. See Training section for fees on additional on-site training. ** Bank will not provide bar code scanners for Expres clients, but will provide specifications to allow customers to purchase their own. Specifications are on CCS intranet web-site under the hardware/software requirement section.	

CITY OF FAYETTEVILLE, ARKANSAS

POLICY AND PROCEDURE

SUBJECT:	Procurement Cards
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NUMBER:	PUR-15
EFFECTIVE DATE:	August 15, 2003
REVISIONS:	None

PUR-15.0 PURPOSE:

The purpose of this document is to establish responsibilities and to implement procedures to be followed in the distribution and use of procurement cards.

PUR-15.1 GENERAL RESPONSIBILITIES:

The authority and responsibility for overseeing the procurement card program is delegated to the Program Administrator and the Payment Administrator or their designee in their absence.

PUR-15.2 Procurement Card Use and Limits

Procurement cards are designed to decrease or eliminate purchase orders, petty cash purchases, invoices and checks/warrants.

Your monthly and single transaction limits are at the discretion of your department. Your supervisor will inform you of your spending limits at the time you receive your card.

Single purchases over \$2,500 must be made using a Purchase Order. Breaking a transaction into smaller amounts in order to use the procurement card is considered a misuse of the card.

PUR-15.3 QUOTE LIMITS

Quotes for items over \$500 are required the same as for purchase orders. Documentation will be notated in a space provided in the EAGLS Software .

PUR-15.4 USING YOUR PROCUREMENT CARD

It is important that you follow City policies concerning purchasing limits and requisition protocols. *We encourage you to use the card **INSTEAD** of POs whenever possible.*

You must collect an itemized receipt or invoice from the vendor/supplier *every time you use the procurement card*. This receipt or invoice must contain the following information:

- ◆ Vendor name and address
- ◆ Date of purchase
- ◆ Description of each item purchased and the quantity purchased
- ◆ Price per item/Extended price per item
- ◆ Shipping/handling charges (where applicable)
- ◆ Total amount of the transaction

Only you are authorized to use the procurement card. Because you are responsible for protecting your account number, you must not lend the card out to others.

Procurement cards are for City of Fayetteville business only. Prohibited uses include, but are not limited to:

- ◆ Personal use
- ◆ Alcohol
- ◆ Cash advances/money orders
- ◆ Cash refunds
- ◆ Securities and savings bonds
- ◆ Services (professional, expert and technical)
- ◆ Payment of taxes/liens
- ◆ Medical and workers compensation-related expenses
- ◆ Insurance payments
- ◆ License, application and evidence refunds
- ◆ 1099 reportable services
- ◆ Breaking a purchase over \$2500 into smaller amounts in order to use the procurement card

Goods purchased through a procurement card may be returned for CREDIT ONLY. Cardholders may not accept a cash refund. You must keep the credit receipt and original receipt for the log.

PUR-15.5 TRAVEL EXPENSES

Using procurement cards for paying travel expenses is allowable on a limited basis. All expenses must be pre-approved and must be in accordance with the rules and definitions specified in the most recent Rules for Travel.

- ◆ The following expenses may be paid by procurement card if **pre-approved** on a Travel Authorization and Advance form:
 1. Hotel / Motel costs as specified in the Travel Policy, excluding add-ons such as laundering, in-room movies, snack bar, etc.
 2. Rental car and associated expense such as insurance, fuel, oil, etc.
 3. Airline Tickets
 4. Registration Fees

To travel using the Procurement Card:

- ◆ You must use the Travel Authorization and Advance form, and must be pre-approved for the projected travel and related expenses.
- ◆ On the form, you must indicate which expenses will be charged to the procurement card by placing the dollar figure and the notation "p-card expenditure" in the "\$" column,
- ◆ *You will not receive an advance of the dollar amount projected for procurement card use; you will be authorized to charge these expenses to your procurement card.*
- ◆ You should forward the completed Travel Authorization and Advance form to the appropriate accounting personnel (for travel AND for procurement card expenses).
*Copies will be held for review and reconciliation after the traveler returns.
- ◆ You must keep receipts for ALL procurement card expenses.
- ◆ After you return , you must complete a Travel Expense statement and submit it for approval.

- ◆ Attach all receipts and forward it to the appropriate accounting personnel for travel AND for procurement card expenses *If your travel and procurement card accounting personnel are different, BOTH must receive full sets of receipts and expense forms.

Actual expenditures should not deviate significantly from the pre-authorized amount. Use of room service for meals is allowed only if such use falls within the authorized dollar amounts for meals and is consistent with the IRS index for meal allowances.

- ◆ Use of the procurement card to pay for the following travel-related items is strictly prohibited:
 1. Snack foods – travel rules prohibit the City from paying for between-meal snacks
 2. Alcoholic beverages
 3. In-room movies
 4. Cash advances / money orders
 5. Cash refunds

All Travel Expense Statements and receipts will be carefully reviewed by accounting personnel to insure that all purchases are appropriate and in accordance with City procurement card policy and travel guidelines. All expenditures, whether authorized or not, whether appropriate or not, shall be reconciled and paid to the Bank of America following the procedures described in these guidelines. Any unauthorized or inappropriate expenditures (defined as any use of the card not specifically approved by your supervisor), shall be collected from the traveler by check and used to reimburse, via journal entry, the expenditure code from which payment to the procurement card provider was made.

PUR-15.6 ACCOUNT REVIEW AND RECONCILIATION

- ◆ You must keep all receipts, invoices, and packing slips.
- ◆ Record daily on a log form all purchases made with the card (use a new log for each weeks' purchases – SEE SAMPLE).
- ◆ You will log onto the internet and print a daily activity transaction report. It will be for the transactions for the proceeding day. Review your reports by comparing the backup documents (receipts, invoices, or packing slips) to the transactions listed on your billing statements, and verify that any past exceptions have been resolved.
- ◆ A program code and account number must be assigned to each purchase. You may assign these numbers if you have the information available, or you may forward the log to your central card administrator.
- ◆ Sign the log to acknowledge that you have checked your statement and that all charges are accurate.
- ◆ Forward the signed log to your supervisor for final approval.
- ◆ The log must be turned in to the Payment Administrator in Accounting by Wednesday of the following week.

PUR-15.7 DISPUTED CHARGES

- ◆ Contact the vendor to discuss disputed charges.
- ◆ If you cannot reach an agreement with the vendor, or if they need more time to investigate disputed charges, you should contact Bank of America's 24-hour customer service center at 1-800-____-____.
- ◆ If you are unable to resolve the dispute with the vendor, you must write to the Bank of America *within 30 days of the date the charge first appeared on your monthly statement.*

*Dispute letters must include your name, account number, work phone number, and address. You may also include your e-mail address. Send a copy of the letter to the Procurement Card Administrator.

PUR-15.8 LOST OR STOLEN CARDS

You are responsible for maintaining the security of your procurement card. The number should not be posted in any location where other people might gain access to it. If another person gains access to the card, please notify the Purchasing Division immediately for a replacement.

You must notify the Bank of America and the Purchasing Division **IMMEDIATELY** in case of lost or stolen cards. The number for reporting lost or stolen cards is available 24 hours: 1-800-305-7735.

***Note the name of the Bank representative who took the call. Your Division is financially liable for all unauthorized uses of the card until the Bank is notified.**

You should immediately notify your supervisor.

PUR-15.9 TRANSFERRING ACCOUNTS

Procurement cards are issued to an individual, not to the position. Accounts **may not** be transferred from one cardholder to another. If you leave your division, you must close your account and surrender your card to your supervisor.

You may transfer to another division without closing your account, provided your new supervisor/department head approves your use of the card. If you transfer to a different division, your new supervisor or department head should send a "Request for Account Transfer" form to the Procurement Card Administrator in the Purchasing Division, Room 306, 575-8289.

PUR-15.10 REPLACEMENT CARDS

To replace old, damaged, or worn-out cards, send a memo to the Procurement Card Administrator **with the defective card**. You will receive a replacement card within two weeks.

PUR-15.11 CLOSING YOUR ACCOUNT

You must turn your card over to your supervisor immediately upon your transfer to another division or upon termination of your City employment (whether termination is as a result of retirement, voluntary separation, resignation, or dismissal).

- ◆ Reconcile your latest statement and sign the log, then:
- ◆ **Cut the card in half** and submit it with reports, log, and receipts/invoices to your supervisor.

PUR-15.12 MISUSE OF PROCUREMENT CARDS

Personal use of procurement cards is flatly prohibited. Employees who use the procurement card for personal reasons can expect the City to report such use to law enforcement authorities and to take appropriate disciplinary action, up to and including termination from employment.

Procurement cards are for City of Fayetteville business only. They are intended to decrease or eliminate the use of Purchase Orders, petty cash, invoices, checks, and other non-contract services.

Unauthorized use of the procurement card may be considered a misuse of City funds, and may result in any or all of the following:

- ◆ Immediate forfeiture of the card
- ◆ Disciplinary action, up to and including termination from employment
- ◆ Legal action against the cardholder

You must follow your Division's policies and guidelines regarding spending limits, number of times you're allowed to use the card, and requisition protocols. If you have any questions about appropriate use of the card, please contact your supervisor before acting.

PUR-15.13 BUDGET AVAILABILITY

Budget availability must be checked before each procurement card purchase. It is important that all budget policies are adhered to. Consistent over budgets may result in forfeiture and suspension of your procurement card privileges.

APPROVAL: _____
Mayor

Date

PUR-15.14 Procurement Card Agreement Form

Date: _____

As a holder of this Procurement Card:

- ◆ I confirm that I have read and understand the terms and conditions of its use:
 - ✓ I MAY NOT use the procurement card for the restricted commodities set forth in the Manual.
 - ✓ I must follow any additional restrictions as described by my Division/Department. I have been informed of and understand my Division/Department's restrictions (these restrictions may include spending limits and requisition protocols).
 - ✓ I understand that commodities, where City of Fayetteville has Annual Supply Contracts in place, should be purchased from the City of Fayetteville's contract suppliers.
 - ✓ I understand that misuse of this card may result in disciplinary action, up to and including TERMINATION of employment.
 - ✓ I understand the City of Fayetteville Purchasing Division, Internal Audit and/or my Division/Department will audit the use of this procurement card.
- ◆ I understand my Division/Department is liable to Bank of America for all charges made by me.
- ◆ I agree to allow the City of Fayetteville to collect any amounts owed by me even if I am no longer employed by the City of Fayetteville.
- ◆ I understand the City of Fayetteville may terminate my rights to use this card at any time for any reason.
- ◆ I agree to return the card to my Division/Department Supervisor immediately upon request or upon termination of employment.
- ◆ I acknowledge receipt of the Procurement Card procedures manual, and agree to comply with the terms and conditions in this and any subsequent revisions of this manual.
- ◆ I agree to accept responsibility for the protection and proper use of this card according to the terms set forth in the manual.
- ◆ I will IMMEDIATELY report theft/loss of card and/or difficulties with the card to my Supervisor and to the Procurement Card Administrator, in the Purchasing Division .

Date: _____

Cardholder Signature: _____

Cardholder Name (Please _____

Cardholder Job Title: _____

Division/Department: _____

Work Phone: _____

Activity Period: _____

I have reviewed this
amount of \$

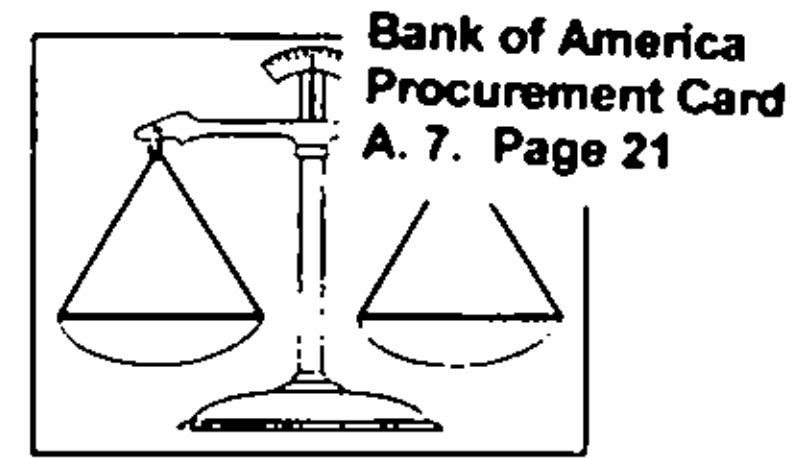
Cardholder's Supervisor Signature _____
 Title _____
 Phone _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council

FROM: Kit Williams, City Attorney

DATE: August 18, 2003

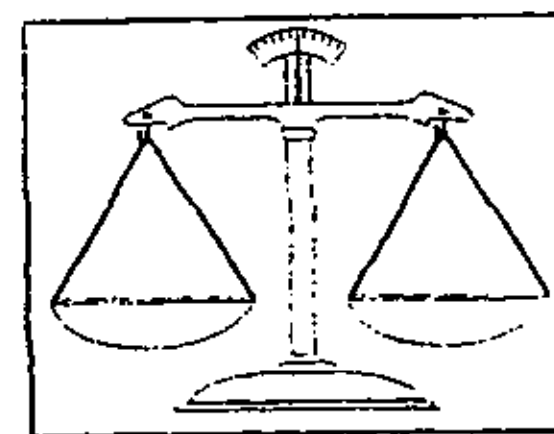
RE: Bank of America Corporate Purchasing Card Agreement

Even though this is probably a take-it or leave-it contract, I still believe we should strike through paragraph 3.D. to remove any possibility that "convenience checks" could be made available to employees. I do not think Bank of America would be overly concerned if we reject the possibility of this feature.

As I stated in my July 17th memo (attached), I dislike their standard arbitration and indemnity clauses (as well as the governing law being Arizona rather than Arkansas), but I doubt if we can get any agreement to change those provisions. Thus, the issue is whether the City would be better off with the bank cards with those terms or without the bank cards. That is not a legal issue.

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Peggy Vice, Purchasing

FROM: Kit Williams, City Attorney

DATE: July 17, 2003

RE: Bank of America Corporate Purchasing Card Agreement

Below are items of concern I found in the proposed agreement:

- (1) Paragraph 3.D. No "Convenience Checks" should be allowed.
- (2) 4.A. I do not like the Bank having sole discretion to raise the charge limit on a card.
- (3) 5.D. should be deleted.
- (4) 23 Governing law. I am not licensed to practice law in Arizona, nor do I know the possible legal pitfalls which might be the result of Arizona law controlling this contract. If a dispute arises, our trial would have to be in Arizona.
- (5) 24. Arbitration. Either party can demand binding arbitration.

This appears to be a standard, take it or leave it contract prepared by Bank of America. The indemnity, Arizona jurisdiction, arbitration and other noted paragraphs would normally make this unacceptable. However, if the Administration wants to obtain these credit cards, it will probably have to agree to all these terms. In most cases, the City will probably not be adversely affected by these terms, but I wanted to call them to your attention in the front end.

dm

ALDERMAN AGENDA REQUEST FORM

7/10/03
9/2/03

15,
FOR: COUNCIL MEETING OF July 15, 2003

FROM:

DON MARR, ALDERMAN and SHIRLEY LUCAS, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An ordinance to amend §95.05 Regulation Of Smoking In Certain Public Places of the Code of Fayetteville and to enact a replacement §95.05 Regulation Of Smoking In Most Public Places And Places Of Employment in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.

APPROVED FOR AGENDA:

Don A. Marr 6-23-2003
Alderman Date

Shirley Lucas 6-23-03
Alderman Date

D. J. Whit 6/23/03
City Attorney (as to form) Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT IN ORDER TO REMOVE EXEMPTIONS FOR BARS, POOL HALLS, SMALL RESTAURANTS, BEAUTY SALONS, BARBER SHOPS AND DESIGNATED SMOKING AREAS IN ENCLOSED PUBLIC ACCESS AREAS IN RESTAURANTS, THEATERS, ROLLER RINKS, BOWLING ALLEYS, AND RETAIL STORES, ETC.

WHEREAS, Ordinance No. 3584 enacted on December 17, 1991, regulated smoking in numerous public places, but permitted designated smoking areas in restaurants, theaters, museums, galleries, malls, hotels, motels, banks, retail stores, health spas, roller rinks, bowling alleys, etc.; and

WHEREAS, Ordinance No. 3584 codified as §95.05 Regulation of smoking in certain public places did not apply to bars, separated bars in restaurants, beauty salons, barber shops, convenience stores, pool halls and small restaurants nor many places of employment; and

WHEREAS, scientific studies have proven that second hand tobacco smoke is a recognized carcinogen and is otherwise dangerous and causes diseases in the health of nonsmokers; and

WHEREAS, the United States Surgeon General has determined that separation of smokers and nonsmokers within the same airspace does not eliminate exposure of nonsmokers to second hand smoke; and

WHEREAS, employees who work in a smoke-filled business suffer 25%-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer; and

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, economic analyses have shown no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of

disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respirator function to be a disability.

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 **§95.05 Regulation of smoking in certain public places** of the Fayetteville Code, in its entirety and enacts the following new **§95.05 Regulation of smoking in most public places** of the Fayetteville Code to replace it:

"Sec. 95.05. Regulation of smoking in most public places.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. An establishment that is devoted solely to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant: An eating establishment, including but not limited to dining establishments, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Health care facilities. All enclosed indoor areas in which health care is provided to the

general public (other than areas to which smoking policy is already established by state law, A.C.A. §§20-27-701 through 20-27-703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

Public place.

- (1) Any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and
- (2) Any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a

public place for purposes of this section unless it is used as a health care or licensed child care facility.

Retail Tobacco Store. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

Sports arenas. Means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports or other events.

(B) *Restrictions on smoking in public places essential to members of the public.* No person shall smoke in the following public places:

- (1) Health care facilities.
- (2) Within the physical confines of licensed child care facilities. (As defined in A.C.A. §20-78-217)
- (3) Polling places;
- (4) Courtrooms and jury waiting and deliberation rooms;
- (5) Rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this section shall not apply to meetings of private organizations;
- (6) Drug stores, grocery stores, banks, libraries, and laundromats;
- (7) Public transportation terminals;
- (8) Buses, taxis, and airport limousines operating within the city limits;
- (9) Elevators accessible to the public;
- (10) Restrooms; and
- (11) Swimming pools owned or operated by the city.

(C) *Restrictions on smoking in certain other public places.* No person shall smoke in the following enclosed public places and places of employment or work places:

- (1) Facilities primarily used for exhibiting any motion picture, lecture, musical recital, stage or other similar performance, except when smoking is part of a stage production;
 - (2) Enclosed walkways in malls and shopping centers;
 - (3) Hotels and motels, except hotel and motel rooms that are rented to guests and are designated as smoking rooms.
 - (4) Museums and galleries;
 - (5) Bank and retail stores doing business with the general public, except for retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) Restaurants, cafeterias, cafes, coffee shops, etc.
 - (7) Health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, including pool halls;
 - (8) Bars, taverns, nightclubs, cocktail lounges, cabarets, etc.
 - (9) Beauty salons and barber shops;
 - (10) Convenience stores.
 - (11) An outside area within a reasonable distance of fifteen (15) feet from a main entrance to an enclosed area in which smoking is prohibited.
 - (12) Enclosed places of employment and work places if a nonsmoking employee is present or regularly enters or uses that portion of an enclosed place of employment or work place.
 - (13) Business vehicles with at least one nonsmoker as an occupant.
- (D) The provisions of this section shall not apply to Retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products.
- (E) *Duties of managers of public places.*

(E) *Duties of managers of public places.*

- (1) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that Smoking is prohibited.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited.

(F) *Enforcement.*

- (1) This section shall be enforced by the Mayor or an authorized designee.
- (2) Any citizen who desires to register a complaint under this section may initiate enforcement with the Mayor's office.
- (3) An owner, manager, operator or employee of an establishment regulated by this section shall inform persons violating this section of the appropriate provisions thereof.
- (4) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty dollars (\$50.00).
- (5) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Section shall be guilty of a violation, punishable by:

- (a) A fine not exceeding one hundred

dollars (\$100.00) for a first violation;

- (b) A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year;

- (c) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

- (6) In addition to the fines established by this Section, multiple violation of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

- (7) Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.

(G) *Relation to other laws and regulations.*

Nothing in this section excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(H) *Jurisdiction.*

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

(Ord. No. 3584, 12-17-91)

PASSED and APPROVED this the 1st day of July, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF July 1, 2003

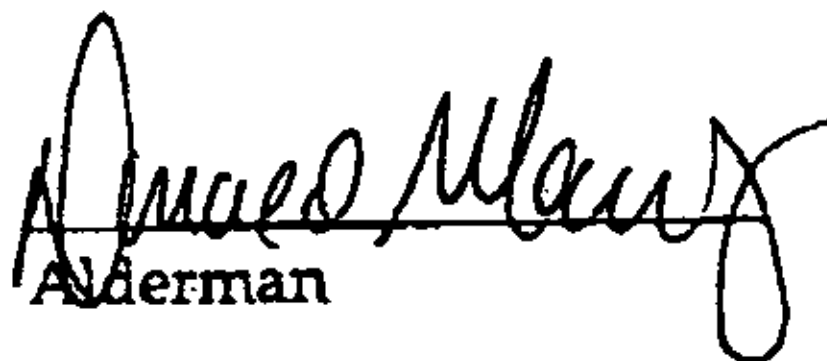
FROM:

DON MARR, ALDERMAN and SHIRLEY LUCAS, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An ordinance to amend §95.05 Regulation Of Smoking In Certain Public Places of the Code of Fayetteville and to enact a replacement §95.05 Regulation Of Smoking In Most Public Places And Places Of Employment in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.

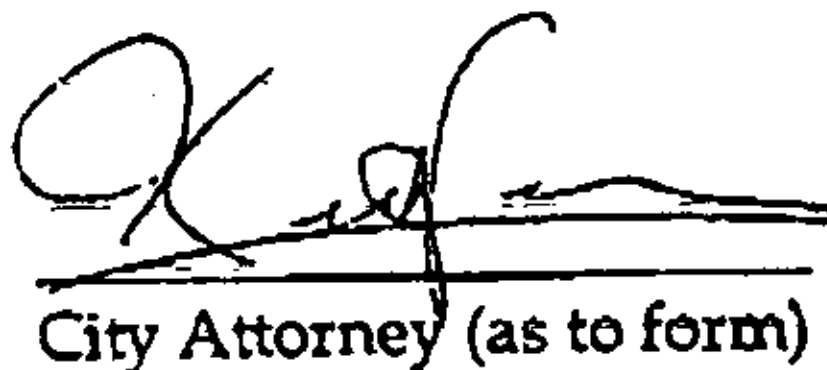
APPROVED FOR AGENDA:


Alderman

6-20-03
Date

Alderman

Date


City Attorney (as to form)

6/20/03
Date

Jun 20 03 09:55a

CITY ATTORNEY

4795758315

Smoking in Certain Public
Places

B. 1. Page 7

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY**DAVID J. WHITAKER**
Assistant City AttorneyJudy Housley
Office Manager

Phone (479) 575-8313

FAX (479) 575-8315

113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

June 20, 2003

Don Marr
Fayetteville Alderman845-2800 - Judy
By FAX: (479) 845-2801

Dear Don:

Attached is the revised smoking ordinance per your instruction. I also revised the Title to specifically mention "places of employment" and placed that within the second Whereas Clause. This is a major change in the law and so needs to be referred to in the title of the ordinance.

Please review this final (?) draft and let me know if any further changes are needed.

With kindest regards,

Kit Williams
Fayetteville City Attorney

KW/jh

Attachment

Jun 20 03 09:55a

CITY ATTORNEY

4795758315

p. 3

Smoking in Certain Public
Places

B. 1. Page 8

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT IN ORDER TO REMOVE EXEMPTIONS FOR BARS, POOL HALLS, SMALL RESTAURANTS, BEAUTY SALONS, BARBER SHOPS AND DESIGNATED SMOKING AREAS IN ENCLOSED PUBLIC ACCESS AREAS IN RESTAURANTS, THEATERS, ROLLER RINKS, BOWLING ALLEYS, AND RETAIL STORES, ETC.

WHEREAS, Ordinance No. 3584 enacted on December 17, 1991, regulated smoking in numerous public places, but permitted designated smoking areas in restaurants, theaters, museums, galleries, malls, hotels, motels, banks, retail stores, health spas, roller rinks, bowling alleys, etc.; and

WHEREAS, Ordinance No. 3584 codified as §95.05 Regulation of smoking in certain public places did not apply to bars, separated bars in restaurants, beauty salons, barber shops, convenience stores, pool halls and small restaurants nor many places of employment; and

WHEREAS, scientific studies have proven that second hand tobacco smoke is a recognized carcinogen and is otherwise dangerous and causes diseases in the health of nonsmokers; and

WHEREAS, the United States Surgeon General has determined that separation of smokers and nonsmokers within the same airspace does not eliminate exposure of nonsmokers to second hand smoke; and

WHEREAS, employees who work in a smoke-filled business suffer 25%-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer; and

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, economic analyses have shown no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of

lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respirator function to be a disability.

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 §95.05 Regulation of smoking in certain public places of the Fayetteville Code, in its entirety and enacts the following new §95.05 Regulation of smoking in most public places of the Fayetteville Code to replace it:

"Sec. 95.05. Regulation of smoking in most public places.

(A) **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. An establishment that is devoted solely to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant: An eating establishment, including but not limited to dining establishments, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Health care facilities. All enclosed indoor areas in which health care is provided to the general public (other than areas to which

smoking policy is already established by state law, A.C.A. §§20-27-701 through 20-27-703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

Public place.

- (1) Any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and
- (2) Any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this section

unless it is used as a health care or licensed child care facility.

Retail Tobacco Store. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

Sports arenas. Means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports or other events.

(B) **Restrictions on smoking in public places essential to members of the public.** No person shall smoke in the following public places:

- Deleted highlighted Area at the request of Shirley Lucas
- (1) **Health care facilities**, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
 - (2) Within the physical confines of licensed child care facilities. (As defined in A.C.A. §20-78-217)
 - (3) Polling places;
 - (4) Courtrooms and jury waiting and deliberation rooms;
 - (5) Rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this section shall not apply to meetings of private organizations;
 - (6) Drug stores, grocery stores, banks, libraries, and laundromats;
 - (7) Public transportation terminals;
 - (8) Buses, taxis, and airport limousines operating within the city limits;
 - (9) Elevators accessible to the public;
 - (10) Restrooms; and

(11) Swimming pools owned or operated by the city.

(C) **Restrictions on smoking in certain other public places.** No person shall smoke in the following enclosed public places and places of employment or work places:

- (1) Facilities primarily used for exhibiting any motion picture, lecture, musical recital, stage or other similar performance, except when smoking is part of a stage production;
 - (2) Enclosed walkways in malls and shopping centers;
 - (3) Hotels and motels, except hotel and motel rooms that are rented to guests and are designated as smoking rooms.
 - (4) Museums and galleries;
 - (5) Bank and retail stores doing business with the general public, except for retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) Restaurants, cafeterias, cafes, coffee shops, etc.
 - (7) Health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, including pool halls;
 - (8) Bars, taverns, nightclubs, cocktail lounges, cabarets, etc.
 - (9) Beauty salons and barber shops;
 - (10) Convenience stores.
 - (11) An outside area within a reasonable distance of fifteen (15) feet from a main entrance to an enclosed area in which smoking is prohibited.
 - (12) Enclosed places of employment and work places if a nonsmoking employee is present or regularly enters or uses that portion of an enclosed place of employment or work place.
 - (13) Business vehicles with at least one nonsmoker as an occupant.
- (D) The provisions of this section shall not apply to Retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products.

Jun 20 03 09:56a

CITY ATTORNEY

4785758315

Smoking in Certain Public
Places
B. 1. Page 11**(E) Duties of managers of public places.**

- (1) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that Smoking is prohibited.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited.

(F) Enforcement.

- (1) This section shall be enforced by the Mayor or an authorized designee.
- (2) Any citizen who desires to register a complaint under this section may initiate enforcement with the Mayor's office.
- (3) An owner, manager, operator or employee of an establishment regulated by this section shall inform persons violating this section of the appropriate provisions thereof.
- (4) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty dollars (\$50.00).
- (5) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Section shall be guilty of a violation, punishable by:
 - (a) A fine not exceeding one hundred

dollars (\$100.00) for a first violation:

(b) A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year;

(c) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

(6) In addition to the fines established by this Section, multiple violation of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(7) Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.

(G) Relation to other laws and regulations.

Nothing in this section excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(H) Jurisdiction.

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

(Ord. No. 3584, 12-17-91)

PASSED and APPROVED this the 1st day of July, 2003.**APPROVED:**By: DAN COODY, Mayor**ATTEST:**By: Sondra Smith, City Clerk

Smoking in Certain Public
Places

B. 1. Page 12

Jvd
Suite 7
Bentonville, AR 72712
Phone 479-845-2800
Fax 479-845-2801
Alt Ph 479-444-7871



Fax

To: Sandra From: Ron Mass
Fax: 479-718-7695 Pages: 7 (including the cover page)
Phone: 479-575-8323 Date: 6/20/03
Re: Revised Smoking Ord. CC:
☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Sandra, Ron will request the addition
to the agenda.

Thanks for your help.
Bill Eade

'91 DEC 20 PM '3 41

ORDINANCE NO. 3584WASH. CO AR
MEYER

AN ORDINANCE TO REGULATE SMOKING IN CERTAIN PUBLIC PLACES AND TO AMEND CHAPTER 95 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, ARKANSAS BY ADDING A NEW SECTION 95.05.

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, the National Institute of Occupational Safety and Health, and other scientific and health organizations demonstrate that passive smoking, or involuntary exposure to other people's tobacco smoke, is a significant health hazard for elderly people, children, individuals with cardiovascular disease, and individuals with impaired respiratory function;

WHEREAS, health hazards caused by passive smoking include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm;

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of passive smoking may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions;

WHEREAS, smoking is a frequent cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business;

WHEREAS, the Fayetteville business community has taken important steps to increase customer satisfaction by providing non-smoking areas, and this trend should be encouraged; and

WHEREAS, the purpose of this ordinance is to protect public health, safety and welfare by prohibiting smoking in certain public places essential to members of the public, and by restricting smoking to designated smoking areas in other specified public places;

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

Section 1. Chapter 95 of the Code of Fayetteville is hereby amended by adding Section 95.05 to read as follows:

§95.05 Regulating Smoking in Certain Public Places.

(a) Definitions.

- (1) "Bar" means an area devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food, if any, is only incidental to the consumption of such beverages.

LIBER 1446 PAGE 848

- (2) "Designated smoking area" means an area:
- (A) that is separated from non-smoking areas; is designated by appropriate signs which are clearly visible to patrons in and entering the area, or is in a facility where conspicuous signs are posted that smoking is permitted in the entire facility except for non-smoking areas; contains ashtrays, containers, or other receptacles for extinguishing smoking materials; and does not include service lines or cashier areas; and
 - (B) that is situated so that smoke from the smoking area does not normally enter a non-smoking area; provided that in the case of a public place that is in business or operation on the date of enactment of this ordinance, whether under the same or new management, no new physical barriers or ventilation systems need to be installed, and such public place shall be deemed to satisfy this subparagraph (a)(2)(B) if it utilizes existing physical barriers or ventilation systems to minimize the drift of smoke into non-smoking areas.
- (3) "Designated non-smoking area" means an area that is separated from smoking areas, and is designated by appropriate signs which are clearly visible to patrons and entering the area.
- (4) "Health care facilities" means all enclosed indoor areas in which health care is provided to the general public (other than areas to which smoking policy is already established by state law (A.C.A. §§ 20-27-701 thru 703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.
- (5) "Manager" means the owner, lessee, or other person in charge of a public place.
- (6) "Public place" means (a) any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and (b) any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this ordinance, unless it is used as a health care or licensed child care facility.

- (7) "Smoking" means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

- (b) Restrictions on Smoking in Public Places Essential to Members of the Public.

No person shall smoke in the following public places:

- (1) health care facilities, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
- (2) licensed child care facilities, except in areas in which children being cared for are never present;
- (3) polling places;
- (4) courtrooms and jury waiting and deliberation rooms;
- (5) rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this ordinance shall not apply to meetings of private organizations;
- (6) drug stores, grocery stores, banks, libraries, and laundromats;
- (7) public transportation terminals;
- (8) buses, taxis, and airport limousines operating within the city limits;
- (9) elevators accessible to the public;
- (10) restrooms, except in facilities listed in subsection (d) of this ordinance; and
- (11) swimming pools owned or operated by the city.

- (c) Restrictions on Smoking in Certain Other Public Places.

No person shall smoke in the following public places, except in designated smoking areas:

- (1) facilities primarily used for exhibiting any motion picture, lecture, musical recital,

stage or other similar performance, except when smoking is part of a stage production;

- (2) enclosed walkways in malls and shopping centers;
 - (3) hotels and motels;
 - (4) museums and galleries;
 - (5) bank and retail stores doing business with the general public, except for retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less and the management posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the restaurant; and
 - (7) health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, except for pool halls.
- (d) The provisions of this ordinance shall not apply to the following facilities, provided that the facility posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility:
- (1) bars, and separated bar areas of restaurants;
 - (2) beauty salons and barber shops;
 - (3) retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (4) gasoline stations and convenience stores; and
 - (5) pool halls; and
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less.
- (e) Duties of Managers of Public Places.
- (1) The manager of public place to which this ordinance applies shall make one of the following three designations. The manager may

designate: (A) the entire public place as a non-smoking facility; or (B) separate areas of the public place as a designated smoking and non-smoking, if permitted by paragraph (c) of this ordinance; or (C) the entire public place as a smoking-permitted facility, if permitted by paragraph (d) of this ordinance.

- (2) The manager of a public place, if the entire public place has been designated a smoking-permitted facility, shall post a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility.
- (3) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that (A) smoking is prohibited, or (B) that smoking is prohibited except within designated smoking areas, or (C) that smoking is permitted except within designated non-smoking areas.
- (4) The manager of a public place in which a smoking and non-smoking areas has been designated shall comply with the requirements of this ordinance for sitting of the designated smoking and non-smoking areas.
- (5) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited. The manager may fulfill this duty by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas.
- (6) Nothing in this ordinance shall preclude the manager of a public place listed in paragraphs (c) or (d) of this ordinance from designating all of the facility to be non-smoking, or from designating part of public place listed in paragraph (d) as a non-smoking area.

(f) Enforcement.

- (1) The City Manager shall designate officers responsible for enforcing the provisions of this ordinance, with due regard for the circumstances of each type of facility subject to the ordinance.

- (2) The violation of any provision of this ordinance shall be punishable by a fine of not less than \$10.00 and not more than \$100, except that in inadvertent first offender may be given a warning. Each day a violation of this ordinance continues shall be a separate offense.
- (3) City officials responsible for issuing building permits and certificates of occupancy for facilities subject to this ordinance shall consider applicants' compliance with, or agreement to comply with paragraph (e)(4) as a factor in deciding whether to issue the permit.

(g) Relation to Other Laws and Regulations.

Nothing in this ordinance excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(h) Severability.

If any part of this ordinance, or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

(i) Effective Date.

This ordinance shall be effective three months after the date of approval by the Fayetteville Board of Directors.

PASSED AND APPROVED this 17th day of December, 1991.

APPROVED:

By: *Red S. Winger*
Mayor

By: *L. Thomas*
City Clerk



CHAPTER 95: HEALTH AND SANITATION

Section

95.01	Unsightly or unsanitary conditions on real property; order and notice to correct
95.02	Abatement by city; costs responsibility of owner
95.03	Enforcement of lien; notice
95.04	Public nuisance; abatement
95.05	Regulation of smoking in certain public places
95.99	Penalty

§ 95.01 Unsightly or unsanitary conditions on real property; order and notice to correct.

(A) The mayor, or his duly authorized representative, is hereby authorized to order the owner of any real property within the city to cut weeds and grass growing thereon, remove garbage, rubbish and other unsanitary and unsightly articles and things therefrom and eliminate, fill up or remove any stagnant pool of water or any other unsanitary thing, place or condition on such property which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. Whenever any such condition is found to exist, the mayor, or his duly authorized representative, shall give the owner of the property written notice to perform such acts within 20 days. In case the owner of the property is unknown or his whereabouts is not known or he is a nonresident of this state, a copy of the written notice shall be posted upon the premises.

(B) It shall be unlawful for any person to fail or refuse to comply with any order and notice given pursuant to this section.

(Code 1965, § 11-1; Ord. No. 1303, 5-28-62; Ord. No. 1721, 12-15-69)

Cross reference—Penalty, § 95.99.

§ 95.02 Abatement by city; costs responsibility of owner.

If the conditions described in a notice given pursuant to § 95.01 are not removed or corrected within 20 days after such notice is given, the mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.

(Code 1965, 11-2; Ord. No. 1303, 5-28-62; Ord. No. 1721, 12-15-69; Ord. No. 2557, 9-4-79)

Cross reference—Penalty, § 95.99.

§ 95.03 Enforcement of lien; notice.

(A) The lien herein provided for may be enforced and collected in either one of the following manners:

(1) The lien may be enforced at any time within 18 months after work has been done, by an action in the chancery court; or

(2) The amount of the lien herein provided may be determined at a hearing before the city council held after 30 days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one insertion per week for four consecutive weeks; the determination of the city council shall be subject to appeal by the property owner in the chancery court; and the amount so determined at said hearing, plus 5% penalty for collection, shall be by the city council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less 3% thereof, when so collected shall be paid to the city by the county tax collector.

(Code 1965, § 11-3; Ord. No. 1303, 5-28-62; Ord. No. 1721, 12-15-69; Ord. No. 2557, 9-4-79; Ord. No. 2922, 5-17-83)

(B) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the city clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or nonresidence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

(Code 1965, § 11-3.1; Ord. No. 2557, 9-4-79)

§ 95.04 Public nuisance; abatement.

(A) It shall be unlawful for the owners, occupants, tenants, or lessees of any dwelling or place of business to allow garbage, trash or other litter to accumulate on his premises, or to place or cause to be placed paper, cardboard or other litter in such manner as to cause unsightly or unsanitary conditions in the city.

(B) The sanitation superintendent or the health department sanitarian or their authorized representatives shall have the duty of notifying the owner, occupant, tenant, or lessee of a dwelling or place of business where one or more of the conditions described in subsection (A) of this section is found to exist.

(C) It shall be the duty of the owner, occupant, tenant or lessee of such premises to correct said condition or conditions within 30 days from date of receipt of such notice.

(D) If the owner, occupant, tenant, or lessee fails to obey such notice and continues to maintain said prohibited condition or conditions, such person shall be deemed in violation of this section and shall be subject to the penal provisions contained in this chapter.

(E) The provisions of this section are supplementary to, and do not amend or repeal the provisions of §§ 95.01 through 95.03 of this Code.

(Code 1965, § 10-5; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68)

Cross reference—Penalty, § 95.99.

§ 95.05 Regulation of smoking in certain public places.

(A) Definitions.

Bar. An area devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food, if any, is only incidental to the consumption of such beverages.

Designated smoking area.

- (1) An area that is separated from nonsmoking areas; is designated by appropriate signs which are clearly visible to patrons in and entering the area, or is in a facility where conspicuous signs are posted that smoking is permitted in the entire facility except for nonsmoking areas; contains ashtrays, containers, or other receptacles for extinguishing smoking materials; and does not include service lines or cashier areas; and
- (2) An area that is situated so that smoke from the smoking area does not normally enter a non-smoking area; provided that in the case of a public place that is in business or operation on the date of enactment of this section, whether under the same or new management, no new physical barriers or ventilation systems need to be installed, and such public place shall be deemed to satisfy this subdivision if it utilizes existing physical barriers or ventilation systems to minimize the drift of smoke into nonsmoking areas.

Designated non-smoking area. An area that is separated from smoking areas, and is designated by appropriate signs which are clearly visible to patrons and entering the area.

Health care facilities. All enclosed indoor areas in which health care is provided to the general public (other than areas to which smoking policy is already established by state law (A.C.A. §§ 20-27-701 through 20-27-703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

Manager. The owner, lessee, or other person in charge of a public place.

Public place.

- (1) Any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and
- (2) Any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this section unless it is used as a health care or licensed child care facility.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) Restrictions on smoking in public places essential to members of the public. No person shall smoke in the following public places:

- (1) Health care facilities, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
- (2) Licensed child care facilities, except in areas in which children being cared for are never present;
- (3) Polling places;
- (4) Courtrooms and jury waiting and deliberation rooms;
- (5) Rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this section shall not apply to meetings of private organizations;
- (6) Drug stores, grocery stores, banks, libraries, and laundromats;

- (7) Public transportation terminals;
- (8) Buses, taxis, and airport limousines operating within the city limits;
- (9) Elevators accessible to the public;
- (10) Restrooms, except in facilities listed in subsection (D) of this section; and
- (11) Swimming pools owned or operated by the city.

(C) Restrictions on smoking in certain other public places. No person shall smoke in the following public places, except in designated smoking areas:

- (1) Facilities primarily used for exhibiting any motion picture, lecture, musical recital, stage or other similar performance, except when smoking is part of a stage production;
- (2) Enclosed walkways in malls and shopping centers;
- (3) Hotels and motels;
- (4) Museums and galleries;
- (5) Bank and retail stores doing business with the general public, except for retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
- (6) Restaurants in business on the date of enactment of this section, whether under the same or new management, if the seating capacity is 30 or less and the management posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the restaurant; and
- (7) Health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, except for pool halls.

(D) The provisions of this section shall not apply to the following facilities, provided that the facility posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility:

- (1) Bars, and separated bar areas of restaurants;
- (2) Beauty salons and barber shops;
- (3) Retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
- (4) Gasoline stations and convenience stores;
- (5) Pool halls;

- (6) Restaurants in business on the date of enactment of this section, whether under the same or new management, if the seating capacity is 30 or less.

(E) Duties of managers of public places.

- (1) The manager of public place to which this section applies shall make one of the following three designations. The manager may designate:
 - (a) The entire public place as a nonsmoking facility; or
 - (b) Separate areas of the public place as a designated smoking and nonsmoking, if permitted by subsection (C) of this section; or
 - (c) The entire public place as a smoking-permitted facility, if permitted by subsection (D) of this section.
- (2) The manager of a public place, if the entire public place has been designated a smoking permitted facility, shall post a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility.
- (3) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that:
 - (a) Smoking is prohibited, or
 - (b) That smoking is prohibited except within designated smoking areas, or
 - (c) That smoking is permitted except within designated nonsmoking areas.
- (4) The manager of a public place in which a smoking and nonsmoking area has been designated shall comply with the requirements of this section for siting of the designated smoking and nonsmoking areas.
- (5) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited. The manager may fulfill this duty by asking smokers to refrain from smoking in a nonsmoking area or directing smokers to designated smoking areas.
- (6) Nothing in this section shall preclude the manager of a public place listed in subsections (C) or (D) of

this section from designating all of the facility to be nonsmoking, or from designating part of public place listed in subsection (D) as a nonsmoking area.

(F) Enforcement.

- (1) The mayor shall designate officers responsible for enforcing the provisions of this section, with due regard for the circumstances of each type of facility subject to the section.
- (2) The violation of any provision of this section shall be punishable by a fine of not less than \$10.00 and not more than \$100.00, except that an inadvertent first offender may be given a warning. Each day a violation of this section continues shall be a separate offense.
- (3) City officials responsible for issuing building permits and certificates of occupancy for facilities subject to this section shall consider applicants' compliance with, or agreement to comply with subsection (E)(4) as a factor in deciding whether to issue the permit.

(G) Relation to other laws and regulations.

Nothing in this section excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(Ord. No. 3584, 12-17-91)

§ 95.99 Penalty.

(A) Any person failing to comply with an order as described by § 95.01 shall, upon conviction, be punished by a fine of not less than \$10.00 nor more than \$100.00.

(Code 1965, § 11-1; Ord. No. 1303, 5-28-62; Ord. No. 1721, 12-15-69)

(B) Whoever violates § 95.04 shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. The penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

(Code 1965, § 1-5; Ord. No. 2128, 7-15-75)

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Cost Share Bid Waiver
M.P. Construction
C. 1. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 2, 2003

FROM:

Matt Casey Engineering Community Planning & Engineering
Name Division Department

ACTION REQUIRED: Approval of a cost-share and bid waiver in the amount of \$63,600.75 with M.P. Construction, Inc. for the construction of a double 2'x8' box culvert under Linda Jo Place.

COST TO CITY:

<u>\$63,600.75</u>	<u>\$ 182,806.00</u>	<u>Bridge & Drainage Improvement</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470.9470.5817.00</u>	<u>\$ 58,048.50</u>	<u>Other Drainage Improvements</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02108</u>	<u>\$ 124,757.50</u>	<u>Sales Tax CAPITAL</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature] 8-15-03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u>	<u>8/15/03</u>	<u>[Signature]</u>	<u>8/15/03</u>
Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u>	<u>8/15/03</u>	<u>[Signature]</u>	<u>8/15/03</u>
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION: Staff recommends approval of the cost share and bid waiver.

[Signature] 8-15-03
Division Head Date

Received in Mayor's Office

8/19/03
Date PH

[Signature] 8-15-03
Department Director Date

Cross Reference:

[Signature] 8-15-03
Finance & Internal Services Dir. Date

Previous Ord/Res#: _____

[Signature] 8-15-03
Chief Administrative Officer Date

Orig. Contract Date: _____

[Signature] 8/20/03
Mayor Date

Orig. Contract Number: _____

New Item: Yes No



Description Skyler Place Sub. Drainage Cost-Share Meeting Date September 2, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH M.P. CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$63,600.75 FOR THE CONSTRUCTION OF A DOUBLE 2' x 8' BOX CULVERT UNDER LINDA JO PLACE.

WHEREAS, the Fayetteville Planning Commission has approved a Preliminary Plat for Skyler Place subdivision which calls for the construction of a double 2' x 8' box culvert under Linda Jo Place, and;

WHEREAS, entering into a cost-share agreement with M.P. Construction, Inc. and utilizing their engineer and contractor will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process, and;

WHEREAS, the City Council finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical.

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 waives the requirements of formal competitive bidding and approves a cost-share agreement with M.P. Construction, Inc. in an amount not to exceed \$63,600.75 for the construction of a double 2' x 8' box culvert under Linda Jo Place.

PASSED and APPROVED this 2nd day of September, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

City Of Fayetteville (Not a Purchase Order)				Requisition No.:		Date: 8/11/2003	
Vendor Name: M.P. CONSTRUCTION INC: BLEAUX BARNES Address: 5571 BLEAUX AVE. - PO BOX 4385 City: SPRINGDALE State: AR Requester: MATT CASEY				P.O. Number:		Expected Delivery Date:	
				Mail Yes: No:		Quotes Attached Yes: No:	
Fob Point: Zip Code: 72762 Ship to code: 90 Requester's Employee #: 2119				Division Head Approval: 		No: No:	
Extension: 429				Project/Subproject #: 02108.2		Inventory #	
Fixed Asset #							

Item	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers
1				\$63,600.75	4470-9470-5817.00
2				\$0.00	
3				\$0.00	
4				\$0.00	
5				\$0.00	
6				\$0.00	
7				\$0.00	
8				\$0.00	
9				\$0.00	
10				\$0.00	
Shipping/Handling		Lot		\$0.00	

Special Instructions:
 PLEASE RETURN PO TO ENGINEERING

Subtotal: \$63,600.75 Tax: \$3,340.79 Total: \$66,941.54	
--	--

Approvals:

Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____

Department Director:  _____
 Budget Manager: _____
 Utilities Manager: _____

Purchasing Manager: _____
 IT Manager: _____
 Other: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

TO: Mayor Dan Coody
Fayetteville City Council
THRU: Tim Conklin, Director CPE ✓
Gary Coover, City Engineer
FROM: Matt Casey, Staff Engineer
DATE: July 15, 2003

Proposed Cost Share in the amount of \$63,600.75 with M.P. Construction Inc. for the installation of a double 2' x 8' box culvert across Linda Jo Place.

BACKGROUND:

The proposed Skyler Place Subdivision is located adjacent to Deane Street, Porter Road and Sang Avenue. As a part of this development, the developer will be constructing streets and storm drainage for a residential subdivision.

The drainage that leaves this site flows through an existing culvert under Linda Jo Place on the west side of the subdivision. The culvert is undersized and has caused flooding problems in some of the adjacent homes.

CURRENT STATUS:

On November 25, 2002, the Planning Commission approved the Preliminary Plat for Skyler Place Subdivision. The site grading and water and sewer extensions have been approved for the site, but construction of the drainage improvements are on hold until the cost-share has been discussed by the City Council.

RECOMMENDATION:

Staff recommends that the City cost-share with M.P. Construction Inc., the developer, to construct a double 2' x 8' box culvert under Linda Jo Place. By participating in the construction of these improvements, the City and the developer will be eliminating a known flooding problem in this location. Construction estimates have been provided to the City for these improvements by M.P. Construction Inc.'s engineer as follows:

City's Share	\$ 63,600.75
<u>Developers's Share</u>	<u>\$ 21,200.25</u>
Total	\$ 84,801.00

An additional 15% has been added to the construction cost as a contingency in case of unforeseen construction issues.

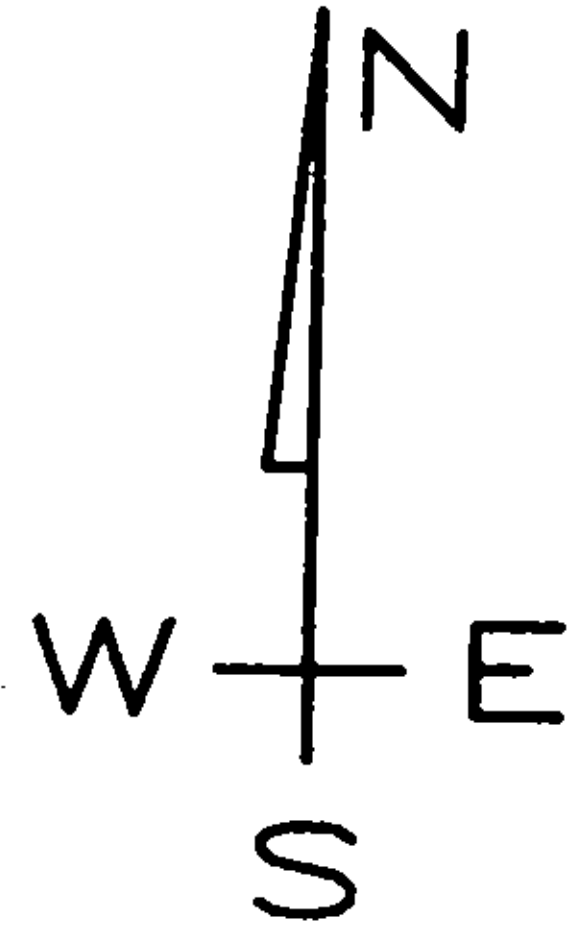
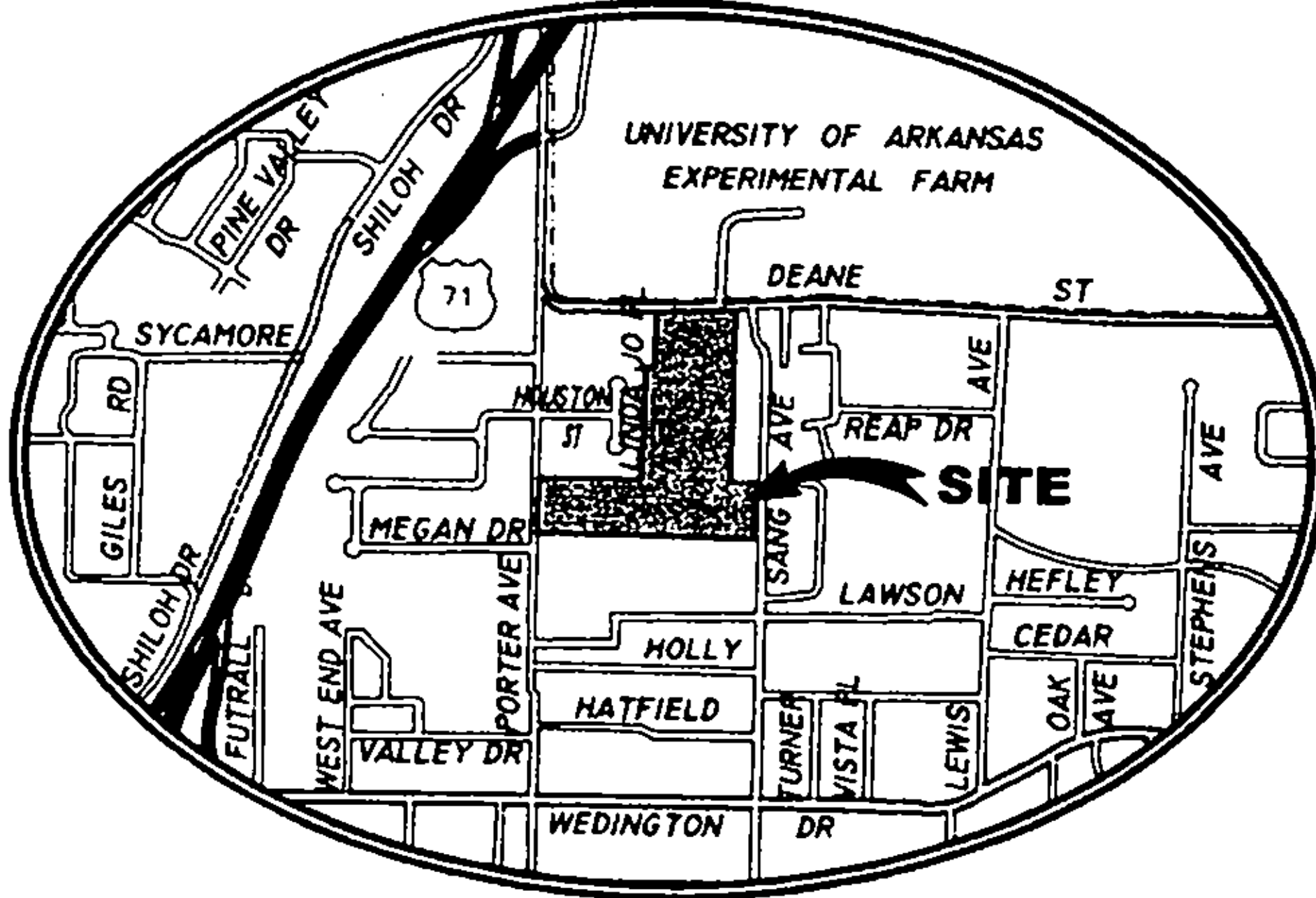
Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$124,757.50 in the Other Drainage Improvements Account.

The final costs to the City will be based upon actual costs as documented by M.P. Construction Inc. subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

Enclosures:

Staff Review Form
Vicinity Map
Construction Drawing
Cost-Share Agreement
Purchase Requisition
Vendor Request Form

VICINITY MAP

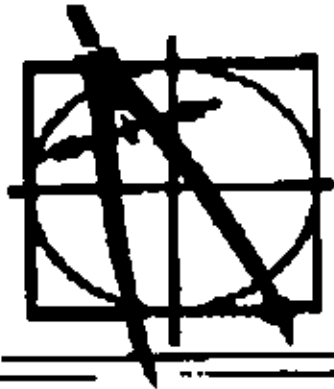


FAYETTEVILLE, ARKANSAS

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442 9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

RECEIVED
JUN 20 2003

City of Fayetteville
113 W. Mountain
Fayetteville, AR. 72701
ATT: Matt Cascy, P.E.
RE: Skyler Place Subd. (offsite Drainage)

Dear Matt;

I estimate the cost of the offsite improvement for above referenced project as follows:

1.) 110' Dual 2'x8' Box Culv. @ 700/L.F	44,000.00
2.) Sawcut/Repair Street 110SY @ 30/SY	3,300.00
3.) Repair Sidewalk	500.00
4.) 2 Headwalls @ 3500/EA	7,000.00
5.) 36' Handrail @ 35/L.F	1,200.00
6.) Transition Swale In & Out	4,000.00
7.) Remove trees etc. Downstream	1,500.00
8.) Repair Drive	1,000.00
9.) 60 Tons SB-2 @ 13/Ton	780.00
10.) Eng/Surv./Constr.Stake	10,400.00
Total	\$73,740.00

As per previous correspondence, the owner/developer would pay 25% and the City 75% which is \$18,435 and \$55,305.00.

This is our best guess at this time. If this is acceptable, we will proceed with plans.

I think that this would have to be approved by the Council first.

Please advise me regarding proper procedure.

Thank you,

Sincerely;


David L. Jorgensen, P.E.

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this August 6th, by and between the City of Fayetteville, Arkansas and M.P. Construction Inc., Witnesseth:

WHEREAS, M.P. Construction Inc., will hire a contractor to construct Skyler Place Subdivision; and

WHEREAS, The proposed subdivision discharges storm water into a culvert that flows under Linda Jo Place; and

WHEREAS, The culvert under Linda Jo Place is undersized and has cause flooding in some of the adjacent homes; and

WHEREAS, it would benefit the City of Fayetteville to improve this culvert and to protect these homes from flood damage; and

NOW, THEREFORE, the City of Fayetteville and M.P. Construction Inc agree as follows:

1. Upon the City Council approving the Street Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 75% of the actual documented construction costs for the construction of the double 2' x 8' box culvert under Linda Jo place as shown on the plans prepared by the Jorgensen and Associates for M.P. Construction Inc.
 - B. Pay a maximum-not-to-exceed cost of \$63,600.75 for the afore mentioned drainage construction as was provided by Jorgensen and Associates for M.P. Construction Inc, and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction & inspection prices exceed the maximum-not-to-exceed amount that was furnished by Jorgensen and Associates for M.P. Construction Inc., The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to M.P. Construction Inc within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

2. M.P. Construction Inc agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable storm drain installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the storm drain construction.
 - C. Not to proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and signed by the Mayor.
3. It is further understood that the contract for construction is between M.P. Construction Inc and their Contractor & Engineer and that the City of Fayetteville has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$63,600.75 for the storm drainage improvements.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

M.P. Construction Inc.

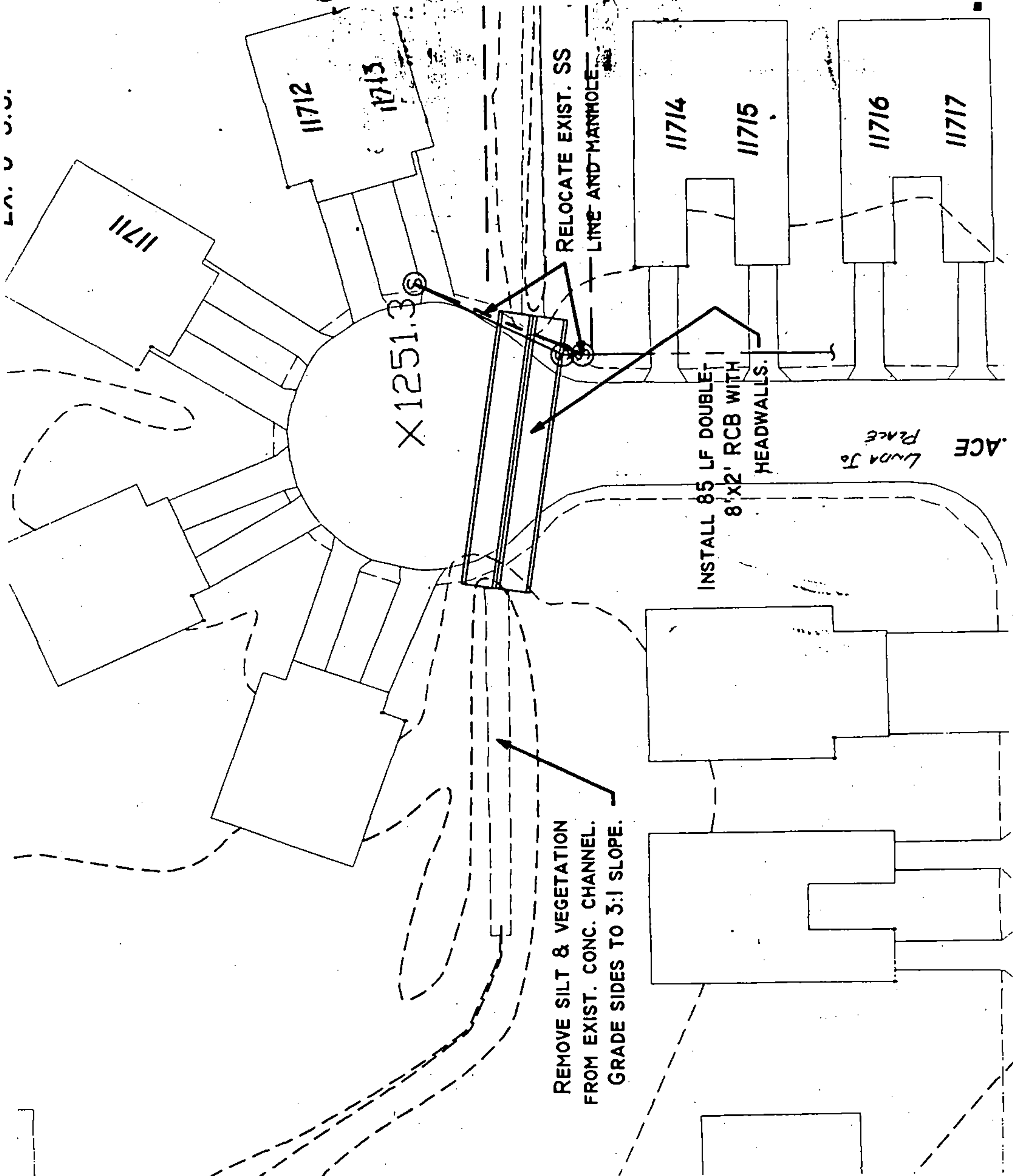
By: _____
DAN COODY, Mayor

By: Bleary Baur

ATTEST:

By: _____
City Clerk

LA. 0 0.0.

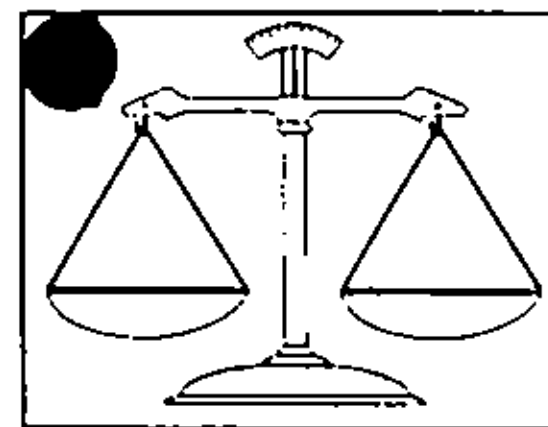


FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', followed by a horizontal line.

DATE: **September 3, 2003**

RE: **Passed Resolutions and Ordinances
from City Council meeting of September 2, 2003**

The following Ordinances and Resolutions were passed at last night's City Council meeting and are ready for the mayor's signature.

Enclosed are:

128-03

1. **Destruction of Records:** Resolution authorizing office of City Clerk to destroy certain records pursuant to §13-4-204 of Arkansas Code;

129-03

2. **Botanical Garden of the Ozarks, Inc. Master Plan:** Resolution approving Botanical Garden of the Ozarks Master Plan;

130-03

3. **Botanical Garden Land Lease:** Resolution approving land lease agreement w/Botanical Garden Society of the Ozarks for purpose of operating a botanical garden at Lake Fayetteville Park;

131-03

4. **Alternative Transportation & Trails Master Plan:** Resolution adopting Alternative Transportation & Master Plan as an official planning document;

132-03 5. **McClelland Engineers Contract Amendment #3 -- Wilson Springs Business Park:** Resolution approving contract Amendment No. 3 w/McClelland Consulting Engineers, Inc. in an amount not to exceed \$5,000.00 to complete survey work required under Real Estate Contract w/Legacy Project, LLC;

133-03

6. **Bank of America Procurement Card:** Resolution accepting contract w/Bank of America Corporate Purchasing Card Agreement;

4511

7. **Cost Share Bid Waiver M.P. Construction:** Ordinance waiving requirements of formal competitive bidding and approving cost-share agreement w/M.P. Construction, Inc. in amount not to exceed \$63,600.75 for construction of a double 2'x8' box culvert under Linda Jo Place;

134-03

8. **Ruth Thornton Condemnation:** Resolution authorizing City Attorney to seek condemnation and possession of certain lands owned by Ruth C. Thornton to secure the necessary easements and rights-of-way for Gregg Avenue improvements;

135-03

9. **Gregg Avenue Property:** Resolution to declare city owned property as right of way for Gregg Avenue;

4512

10. **Smoking in Certain Public Places:** An ordinance to amend §95.05 **Regulation of Smoking in Certain Public Places** of the Code of Fayetteville and to enact a replacement §95.05 **Regulation of Smoking in Most Public Places and Places of Employment.**

**Tentative Agenda
For
City Council Meeting
September 2, 2003**

A meeting of the Fayetteville City Council will be held on September 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A Presentation on the Trails Master Plan.

A Presentation on the Botanical Garden of the Ozarks, Inc. Master Plan.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the July 15, 2003, August 5, 2003, August 12, 2003 and August 19, 2003 meeting minutes.
2. **Destruction of Records:** A resolution authorizing the office of the City Clerk to destroy certain records pursuant to §13-4-204 of the Arkansas Code.
3. **Botanical Garden of the Ozarks, Inc. Master Plan:** A resolution approving the Botanical Garden of the Ozarks Master Plan.
4. **Botanical Garden Land Lease:** A resolution approving a land lease agreement with the Botanical Garden of the Ozarks for the purpose of operating a Botanical Garden at Lake Fayetteville Park
5. **Alternative Transportation and Trails Master Plan:** A resolution adopting the Alternative Transportation and Trails Master Plan as an official planning document.
6. **McClelland Engineers Contract Amendment # 3 Wilson Springs Business Park:** A resolution approving contract amendment No. 3 with McClelland Consulting Engineers, Inc. in an amount not to exceed \$5,000.00 to complete survey work required under the real estate contract with Legacy Project, LLC.
7. **Bank of America Procurement Card:** A resolution to accept a contract with Bank of America Corporate Purchasing Card Agreement.

B. OLD BUSINESS:

1. **Smoking in Certain Public Places:** An ordinance to amend §95.05 Regulation Of Smoking In Certain Public Places of the code of Fayetteville and to enact a replacement §95.05 Regulation Of Smoking In Most Public Places And Places Of Employment in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.

This ordinance was left on the second reading at the August 5, 2003 City Council Meeting.

This ordinance was tabled at the August 5, 2003 City Council meeting until the September 2, 2003 City Council meeting.

NEW BUSINESS:

✓ Cost Share Bid Waiver M.P Construction: *No Information*

D. INFORMATIONAL:

1. September 1, 2003 is Labor Day Holiday

Move up above
old business
Add
Description

**Tentative Agenda
For
City Council Meeting
September 2, 2003**

A meeting of the Fayetteville City Council will be held on September 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A Presentation on the Trails Master Plan.

A Presentation on the Botanical Garden of the Ozarks, Inc. Master Plan.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the July 15, 2003, August 5, 2003, August 12, 2003 and August 19, 2003 meeting minutes.

B. OLD BUSINESS:

1. **Smoking in Certain Public Places:** An ordinance to amend §95.05 **Regulation Of Smoking In Certain Public Places** of the code of Fayetteville and to enact a replacement §95.05 **Regulation Of Smoking In Most Public Places And Places Of Employment** in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.

This ordinance was left on the second reading at the August 5, 2003 City Council Meeting.

This ordinance was tabled at the August 5, 2003 City Council meeting until the September 2, 2003 City Council meeting.

C. NEW BUSINESS:

- Consent* - 1. **Destruction of Records:** A resolution authorizing the office of the City Clerk to destroy certain records pursuant to §13-4-204 of the Arkansas Code.
- Consent* 2. **Botanical Garden of the Ozarks, Inc. Master Plan:** A resolution approving the Botanical Garden of the Ozarks Master Plan.

Consent 3. **Botanical Garden Land Lease:** A resolution approving a land lease agreement with the Botanical Garden of the Ozarks for the purpose of operating a Botanical Garden at Lake Fayetteville Park

Consent 4. **Alternative Transportation and Trails Master Plan:** A resolution adopting the Alternative Transportation and Trails Master Plan as an official planning document.

Consent 5. **McClelland Engineers Contract Amendment # 3 Wilson Springs Business Park:** A resolution approving contract amendment No. 3 with McClelland Consulting Engineers, Inc. in an amount not to exceed \$5,000.00 to complete survey work required under the real estate contract with Legacy Project, LLC.

9/16 ~~6. Multi-use Trails at Walker Park Contract: No Information.~~

9/16 ~~7. Gregg Avenue Right of Way: No Information.~~ *Move to 9-16-03*

Consent 8. **Bank of America Procurement Card:** ~~No Information~~

ord. 9. **Cost Share Bid Waiver M.P Construction:** ~~No Information~~

~~10. Hauling and Disposal of Specific Types of Solid Waste: No Information.~~

D. INFORMATIONAL:

1. September 1, 2003 is Labor Day Holiday

**Tentative Agenda
For
City Council Meeting
September 2, 2003**

A meeting of the Fayetteville City Council will be held on September 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the August 19, 2003 meeting minutes.

B. OLD BUSINESS:

1. **Smoking in Certain Public Places:** An ordinance to amend §95.05 **Regulation Of Smoking In Certain Public Places** of the code of Fayetteville and to enact a replacement §95.05 **Regulation Of Smoking In Most Public Places And Places Of Employment** in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.
This ordinance was left on the second reading at the August 5, 2003 City Council Meeting.

This ordinance was tabled at the August 5, 2003 City Council meeting until the September 2, 2003 City Council meeting.

C. NEW BUSINESS:

1. **Destruction of Records:** A resolution authorizing the office of the City Clerk to destroy certain records pursuant to §13-4-204 of the Arkansas Code.
2. **Botanical Garden of the Ozarks, Inc. Master Plan:** A resolution approving the Botanical Garden of the Ozarks Master Plan.
3. **Botanical Garden Land Lease:** A resolution approving a land lease agreement with the Botanical Garden of the Ozarks for the purpose of operating a Botanical Garden at Lake Fayetteville Park
4. **Multi-use Trails at Walker Park Contract:** *No Information.*
5. **Terracon Contract/Waiving Competitive Bidding:** *No Information.*

✓ 6. First Right of Refusal Agreement for Community Park Property: *No Information.*

Clay 7. Hauling and ~~Disposal~~ of Specific Types of Solid Waste: *No Information.*

Paul X ~~Variance of Park Land Dedication Ordinance \$166.03 for Clabber Creek~~
Subdivision: *No Information.*

✓ 9. Alternative Transportation and Trails Master Plan: *No Information.*

10. Gregg Avenue Right of Way: *No Information.*

11. Bank of America Procurement Card: *No Information*

12. Cost Share Bid Waiver M.P Construction: *No Information*

13. Mc Clelland Engineers Survey work Wilson Spring
Business Park.

D. INFORMATIONAL:

1. September 1, 2003 is Labor Day Holiday

2. Council Tour:

NORTHWEST ARKANSAS EDITION

Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Shane Williams, do solemnly swear that I am
Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas
Times newspaper, printed and published in Lowell, Arkansas, and that
from my own personal knowledge and reference to the files of said
publication, that advertisement of:

City Agenda was inserted in the regular editions on
9-1-03.

PO# 03-000154-001

** Publication Charge: \$ 145.85

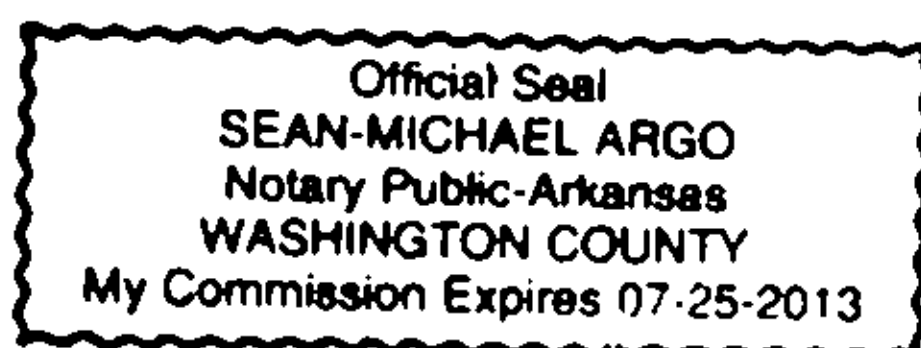
Subscribed and sworn to before me this

2nd day of September, 2003.

Sean-Michael Argo
Notary Public

My Commission Expires: 07-25-2013

** Please do not pay from Affidavit.
An invoice will be sent.



RECEIVED

SEP 04 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
FOR
CITY COUNCIL MEETING
SEPTEMBER 2, 2003**

A meeting of the Fayetteville City Council will be held on September 2, 2003 at 8:00 p.m. in Room 249 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.



A Presentation on the Trails Master Plan.

A Presentation on the Botanical Garden of the Ozarks, Inc. Master Plan.

A. CONSENT:

1. Approval Of The Minutes: Approval of the July 15, 2003, August 5, 2003, and August 12, 2003 meeting minutes.
2. Destruction of Records: A resolution authorizing the office of the City Clerk to destroy certain records pursuant to §13-4-204 of the Arkansas Code.
3. Botanical Garden of the Ozarks, Inc. Master Plan: A resolution approving the Botanical Garden of the Ozarks Master Plan.
4. Botanical Garden Land Lease: A resolution approving a land lease agreement with the Botanical Garden of the Ozarks for the purpose of operating a Botanical Garden at Lake Fayetteville Park.
5. Alternative Transportation and Trails Master Plan: A resolution adopting the Alternative Transportation and Trails Master Plan as an official planning document.
6. McClelland Engineers Contract Amendment # 3 Wilson Springs Business Park: A resolution approving contract amendment No. 3 with McClelland Consulting Engineers, Inc. in an amount not to exceed \$5,000.00 to complete survey work required under the real estate contract with Legacy Project, LLC.
7. Bank of America Procurement Card: A resolution to accept a contract with Bank of America Corporate Purchasing Card Agreement.

B. NEW BUSINESS:

1. Cost Share Bid Waiver M.P. Construction: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with M. P. Construction, Inc. in an amount not to exceed \$63,600.75 for the construction of a double 2' x 8' box culvert under Uncle Jo Place.
2. Marjorie Lee Brooks Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Marjorie Lee Brooks, ET ALIA to secure the necessary easements and rights-of-way for Gregg Avenue improvements.
3. Ruth Thornton Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Ruth C. Thornton to secure the necessary easements and rights-of-way for Gregg Avenue improvements.

C. OLD BUSINESS:

1. Smoking in Certain Public Places. An ordinance to amend §95.05 Regulation Of Smoking In Certain Public Places of the code of Fayetteville and to enact a replacement §95.05 Regulation Of Smoking In Most Public Places And Places Of Employment in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc. This ordinance was left on the second reading at the August 5, 2003 City Council Meeting.

This ordinance was tabled at the August 5, 2003 City Council meeting until the September 2, 2003 City Council meeting.

D. INFORMATIONAL:

1. September 1, 2003 is Labor Day Holiday

RESTAURANTS	PHONE	ADDRESS
AQ Chicken House	443-7555	1925 N. College
Acambaro Mexican	442-3454	2605 N. College
American Legion Post #27	442-5291	1195 Curtis Ave.
Applebee's	442-8841	4078 N. College
Art's Place	443-7113	2530 N. College
Asahi Japanese Restaurant	582-5999	546 W. Dickson
Atlanta Bread Company	442-2900	3196 N. College
Bangkok Cuisine	527-9531	311 W. Dickson
Belvedere's	443-7778	3061 N. College
Big Daddy's Sports Bar/Grill	582-5901	313 W. Dickson
Bistro V	521-4402	300 W. Dickson
Bordino's	527-6795	324 W. Dickson
Brewski's Restaurant & Draft Emporium	973-6969	408 W. Dickson
Buster Bell's Bar & Deli	251-7320	420 W. Dickson

Buster's Liquid Lounge	251-9430	416 W. Dickson
Butcher Block Steakhouse	521-2100	2396 N. College
Cable Car Pizza	444-7600	318 N. Campbell
Café Rue Orleans	443-2777	1150 N. College
Café Santa Fe	582-4700	25 E. Center
Cajun Gypsy	582-2586	535 W. Poplar
Casa Taco	443-9336	1200 N. Garland
Casa Torres Restaurant	582-9500	1673 N. College Ave.
Catfish and More	521-7709	504 E. 15th
Chili's	521-9921	772 E. Milsap
Chloe Fine Dining	442-4144	318 Campbell Ave
Colton's Steakhouse & Grill	973-0876	642 Milsap Rd
Common Grounds	442-3515	412 W. Dickson
Cool Water Village	571-3636	2217 N. College
Cowboy's Bar-B-Que (Club West)	442-7337	Hwy 62 West

DaDoo's Pizzeria	695-1900	326 West Ave.
David's Restaurant	251-8330	9 S. School
Denny's	571-1433	2589 W. 6th
Doe's Eat Place	443-3637	316 W. Dickson
El Chico	521-5553	3854 Front
Elenia's Mexican Café	442-3454	727 S. School
Elenia's Mexican Café	442-9978	1120 Lindell
Elk's Lodge	750-1222	4444 N. Crossover
Fayetteville Country Club	443-3131	3335 Country Club Dr.
Fuzzy's	443-7241	1313 N. Garland
Goldie's Patio Grill	443-9299	3251 N. College
Grub's	973-4782	220 N. West
The Gypsy	444-1945	402 W. Dickson
Herman's Ribhouse	442-9671	2807 N. College
Hoffbrau Steaks	442-4444	31 E. Center

Hog's Breath Eatery	443-7783	1214 N. Garland
Hooters	575-9464	4143 N. Shiloh
Hunan Manor	521-3883	2141 N. College
JD China Restaurant	442-5875	1704 W. 6th St.
JR's - Lightbulb Club	444-6100	21 N. Block
Jerry's Restaurant	521-2480	241 N. College
Jim's Razorback Pizza	443-2265	2620 W. 6th
Jose's	521-0194	324 W. Dickson
Kentucky Fried Chicken	444-6641	2992 N. College Ave.
La Hacienda	444-0821	2901 E. Zion
La Huerta	521-7990	2356 N. College
La Playa	521-7715	727 S. School
Len's Place	521-8421	1431 S. School
Lenny's Sub Shop	582-2290	360 E. Joyce
Lin's Chinese Restaurant	521-2022	704 N. College

Long John Silver's	442-2070	1705 N. College
Lucky Luke's BBQ	521-7550	1301 N. Garland Ave
Madame Wu's	251-1818	1818 N. Crossover
Meadow Street Bar and Grill (Radisson)	442-5555	70 N. East
Mercantile	442-8686	2750 Mission
Mexico Vejo	587-8181	2131 W. 6th St.
Mickey Finn's Irish Pub	527-9333	644 W. Dickson
Mr. Burger	521-2680	North & Garland
Mong Dynasty	433-7666	3101 N. College
1936 Café & Club	442-9682	300 W. Dickson
Olive Garden	443-4438	3616 N. Mall Ave
On the Mark	575-0123	2588 N. Gregg Ave.
On the Rocks Patio & Grill	527-9090	339 N. West Ave.
Ozark Brewing Company	521-2739	430 W. Dickson
Panda	582-3838	2890 N. College

Park Place Grill (CLARION)	521-1166	1255 S. Shiloh
Penguin Ed's B & B Bar-B-Que	521-3663	230 S. East
Pesto Café	582-3330	1830 N. College
Pete's Place	443-4553	2300 N. College
Pizza Hut	521-2992	1754 N. College
Pizza Hut	521-1892	314 S. School
Pizza Hut	521-3011	737 N. Leverett Ave.
Platinum Caberet	442-4433	2366 N. College
Powerhouse Seafood	442-8300	112 N. University
Red Lobster	442-2317	3855 N. Shiloh
Rick's Iron Skillet	442-2200	1131 S. School
Ryan's	521-7926	3825 N. Shiloh
Sale Barn Café	442-6275	Hwy 71 South
Sassafras	444-6992	708 N. College
Shanghai Chinese	442-8188	1998 N. College
Shogun	582-5714	637 W. Joyce

Shorty Small's	728-9200	3722 Front St.
Taco Place	444-0321	1163 W. 6th
Taiwan Chinese Restaurant	521-5210	2227 W. 6th
Thai Diner	582-1804	514 N. College
Tim's Pizza - North	521-4151	2730 N. College
Tim's Pizza - East	521-5056	1313 E. Mission
Tiny Tim's on the Square	521-5551	21 W. Mountain
U.S. Pizza Company	582-4808	202 W. Dickson
Uncle Gaylord's Restaurant & Bar	444-0605	311 W. Mountain
Village Inn	521-1880	3364 N. College
Waffle House	443-7549	2311 W. 6th
Wild on Fayetteville	N/A	2892 E. Huntsville Rd
Willy D's	464-8186	216 Dickson Street
You Know?? Uno!!A261	571-8661	326 N. West

RESTAURANTS	PHONE	ADDRESS
Arby's Roast Beef	521-0530	2136 N. College
Arby's Roast Beef	521-2056	1263 W. 6th
Arby's Roast Beef	444-7520	NWA Mall
Arsaga's Block Street Bakery	442-7768	116 N. Block
Arsaga's Espresso Café	444-6557	2418 N. Gregg
Arsaga's Espresso - North	527-0690	1852 N. Crossover, Ste. 2
Auntie Anne's Pretzels	443-5199	4201 N. Shiloh
Baba Boudan's Espresso	582-9540	701 N. College
Back Yard Burger	582-4414	2036 N. College
Barnes & Noble	582-0045	4144 N. College
Baskin & Robbins	443-1430	2584 N. Gregg
Bizy's Espresso Café	571-1800	1838 N. Crossover Rd.
Blimpie Subs & Salads	443-1942	1218 N. Garland
Boardwalk Café	521-7448	215 W. Dickson

Braum's North	444-8245	2511 N. College
Braum's West	444-6207	1894 W. 6th
Brenda's Bigger Burger	521-5954	645 W. 6th
Burger King	442-4335	2345 N. College
Burger King	442-6484	1730 W. 6th
Cattfish Hole #3	521-7008	4127 W. Wedington
Charlie's Chicken	571-2600	1542 W. 6th
Chick-Fil-A	443-0011	NWA Mall
Chick-Fil-A/NW+A37 Village	443-0343	4180 N. College
Choo-Choo's (Lokomotion)	582-5600	4520 N. College
Chuck E. Cheese's	443-7733	1330 N. College
Chuck's Cake Shoppe	442-2253	407 N College
CiCi's Pizza	582-9292	637 E. Joyce
Crossover Daylight Donuts	521-3900	1968 N. Crossover
Dixie Café	444-6660	3875 N. Shiloh Drive

Domino's Pizza	442-3600	1065 N. Garland
Eureka Pizza	443-7777	826 N. Leverett
Eureka Pizza	571-2121	1901 E. Mission
Fazoli's	251-7880	3223 N. College
Firehouse Subs	251-0044	2630 Citizens Drive
Gloria Jean's Coffee	582-0583	4201 N. Shiloh
Great American Cookie Co.	521-2447	4201 N. Shiloh
Hardee's	442-6662	2985 N. College
Hardee's	521-6108	2190 W. 6th
Harp's	444-8009	1189 N. Garland
Harp's	571-1213	1780 N. Crossover
Hugo's	521-7585	25 1/2 N. Block
Jamm'n Java	443-2233	1 Block Street
Jimmy John's Gourmet Subs	571-0600	518 W. Dickson St
Jim's Razorback Pizza	527-6701	3831 N. Crossover

Jim's Razorback Pizza	575-9444	2584 N. Gregg Ave
Kate's Daylight Donuts	527-6688	1220 N. Garland
Kelly's Cajun Grill	521-4502	NWA Mall
Loafin Joe's	443-9944	201 W. Mountain
Loafin Joe's	444-0455	1128 N. Garland
Lollicup Tea Zone	521-6788	4201 N. Shiloh Dr.
Lotus Express	521-4502	NWA Mall
Luby's Cafeteria	444-8101	NWA Mall
Mama Mia's	444-6644	2195 N. College Ave
Marketplace Express	442-6355	NWA Mall
Marvin's IGA	521-8924	1620 S. School
Marvin's IGA	442-8823	380 N. College
McDonald's	521-1767	1641 N. College
McDonald's	527-9919	1870 Crossover
McDonald's 50's	443-4777	1963 W. 6th

McDonald's (Wal-Mart)	587-0101	2875 W. 6th
McDonald's	442-7774	3080 Wedington Drive
McDonald's	442-0444	578 E. Joyce Blvd.
McDonald's		3919 Mall Ave.
Mr. Burger	521-9093	1701 S. School
Noodles Italian Kitchen	443-7100	3155 N. College
Ozark Mountain Smokehouse	442-2152	215 W. Dickson
Ozark Mountain Smokehouse	267-3567	1725 Smokehouse, Rt 62
Ozark Natural Foods	521-7558	1554 N. College
Panera Bread	587-1188	3638 N. Front
Papa Johns Pizza	444-1999	503 N. College
Penguin Ed's Bar-B-Que	587-8646	2773 Mission
The Perk on Wedington	251-7375	152 Double Springs Rd
Petra Café	443-3090	31 E. Center, Suite 101
Picasso Pizza	443-6964	3980 W. Wedington Dr.

Quizno's Classic Subs	443-7849	NVA Mall
Quizno's Classic Subs	442-0515	1680 N. College
Racha Restaurant	251-7072	2334 N. College
Richard's Country Meat Market	443-0000	3042 Market Ave.
Rick's Donut & Bake Shop	442-2166	1220 N. College
Rolling Pin Café	521-3855	2565 Huntsville
Royal Donut Company	442-9909	997 N. Shiloh
Sbarro	582-0488	NVA Mall
Shake's Frozen Custard	444-9777	2835 N. College
Shake's Frozen Custard	None	Razorback Stadium
Slim Chicken's	443-7546	2120 N. College
Smoothie King	444-9500	309 W. Dickson
Sonic Drive-In	443-3040	1620 N. College
Sonic Drive-In	575-0024	2908 N. College
Sonic Drive-In	582-1969	1801 Crossover

Sonic Drive-In	444-7858	1321 W. 6th
Sonic Drive-In	444-9404	1144 Colorado
Sonic Drive-In	442-6030	NWA Mall
Stonemill Bread & Flour Co.	571-2295	2600 N. Gregg
Subway Sandwiches	443-7827	121 W. Township
Subway Sandwiches	442-0003	2000 Crossover
Subway Sandwiches	582-3500	1241 W. 6th
Subway Sandwiches	442-8363	955 N. Shiloh
Subway Sandwiches	444-8675	3392 Futrell
Taco Bell	442-6570	1772 N. College
Taco Bell	442-4778	1878 Crossover
Taco Bell	443-5119	NWA Mall
Taco Bell	521-2538	2055 W. 6th
Target	443-5517	3545 N. Shiloh Dr
Taste of Thai	251-1800	31 E. Center
Thep Thai Restaurant	443-0029	1525 S. School Ave.

Wal-Mart	443-7679	3919 N. Mail
Wal-Mart	582-5979	2875 W. 6th
Wal-Mart Neighborhood Market	571-6670	2690 E. Citizens
Wendy's	571-1274	2050 N. College
Wendy's	443-2501	1473 W. 6th

MICROFILMED

RESOLUTION NO. 95-88

A RESOLUTION ENCOURAGING THE PRIVATE SECTOR TO
VOLUNTARILY ADOPT A POLICY TO RESTRICT SMOKING
IN PUBLIC PLACES TO DESIGNATED AREAS.

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers; and

WHEREAS, said studies, and other reliable studies, have shown that breathing second-hand smoke is a significant health hazard for elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function; and

WHEREAS, health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and brochospasm; and

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business; and

WHEREAS, the purpose of this resolution is to promote the public health, safety and welfare by encouraging voluntary restrictions on smoking in public places.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. The Board of Directors hereby encourages the private sector to voluntarily adopt the following policy to regulate smoking in certain places:

(a) Definitions.

- (1) "Places of public assembly" means any structure maintained for or used by the public to gather together into a group.



- (2) "Smoking" means the lighting, holding, or carrying of, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.
- (b) Smoking in designated places only. A person shall smoke in the following public places only in designated smoking areas which reduce the exposure of non-smokers to second-hand smoke:
- (1) Retail eating establishments, taverns and private clubs with a seating capacity of more than 20 patrons;
 - (2) Retail grocery and convenience stores;
 - (3) The enclosed walk-ways in malls or shopping centers;
 - (4) Beauty and barber shops;
 - (5) Public transportation terminals;
 - (6) Drug stores;
 - (7) Laundromats and dry-cleaners;
 - (8) Clothing stores or the clothing section of department stores;
 - (9) Places of public assembly;
 - (10) All public schools;
 - (11) The University of Arkansas, all fraternities and sororities;
 - (12) Law offices, courthouses and office buildings;
 - (13) Banks, savings and loan associations, investment banking and brokerage houses; and
 - (14) Hospitals, physician offices, physical and mental health centers and related service centers.
- (c) In areas where smoking is designated, existing physical barriers and ventilation systems shall be used to the greatest extent possible to minimize the smoke in adjacent non-smoking areas.

(d) Signs to be posted.

The owner or other person having the authority to manage and control any place enumerated in paragraph (b) above shall post or cause to be posted and prominently displayed, and shall maintain, "No-Smoking Area" and "Designated Smoking Area" signs in conspicuous locations within such areas. Such signs shall be of sufficient size, number, and location to convey the message clearly and legibly and shall also include the international no-smoking symbol.

PASSED AND APPROVED this 20th day of December, 1989.

APPROVED

By: Marilyn Johnson
Mayor

ATTEST

By: Gessanne C. McWaters
City Clerk



Tom A. Behard 8/29/03

I wanted to send you the following letter that I sent to Don Marr, Shirley Lucas and Kryon Cook.

I would add that I was impressed with your concern for others. I was not impressed with Shirley's comment that the hospital does it. I have two times visited friends there, only to pass through at the front entrance a cloud of smoke made by 4 or 5 smoking in front door. To compare her workplace to all others in Fayetteville, is either short sighted or blind sides.

I also sent this letter for speed to the Mayor, with this concern, I thought the pledge of aldermen was to weigh action based on the public's interests. I thought the sponsors were even more dead set on passing the ordinance

Monday night. That smacks of their ignoring that at least 50 percent came before the council to object. So they are favoring a group the smoke free and that is not what they pledged to do.

*

[the letters to the three]

I was able to watch some of the meeting, wherein I noted that each of you seemed unchanged from the very last board meeting.[yet, you were very patient and listened at the August Board meeting - could it be you did not hear?] I attended the August meeting, and it appeared to me that those who spoke

3

against the ordinance, numbered at least
50% if not
more than those for Smoke Free.

It is known that the smoke free
proponets have
since January 03, to congregate and
lobby. Yet
those who opposed had to rally their
50% ASAP.

In my calculations [like a poll] so those
in
opposition [halflet's say] represents at
least
another person against the ordinance-
just based on
that polling.

I said all that to say, if anything I
thought each

of you seemed even more committed to
pass the
ordinance, even As Mr. Cook said, he
believed his
constitutens elected him to represent
them [by
voting[their private health habits]at least
that
seemed his stance.

I do not know about his constitutents nor
either of
Shirley's or Don's. I do think it is
reasonable
that those who voted for you due to
your campaign
for election, would have thought you
intended to
responsibilly administer City
Government affairs,

keep and seek street repairs, police and fire protection, things that only you can do for your constituents, that they can't do!

The Bureau at City Hall has multiplied by 3 new employees with almost every ordinance [especially ones that requires oversight-policing the public]

That's what has happened in the past and You are not much different than those who served before you.

Namely you commission "thousands" for consultants and spend the City's money [people's taxes etc] to do

the job you were elected to do,
[administer the
business at City Hall].

Wouldn't it occur to you that if you
were elected
to change personal and private
lifestyles, treat
[proactively seek] to heal their ills,
that might
also call for "thousands" in consultant
fees.

Sic. 'a vote by the people' I read where
it could
cost \$12,000. Smoke Free is a smoke
screen, and
you fell for it. Next, do something
about the 20
heads of departments [ordinances and
regulations of

last 15 years]. Each developer doing business with Fayetteville, now must meet and submit [with engineer' multiple copies] to seek approval from at least 20 heads of departments, and each new head had to have additional City employees.

Not so in Fayetteville, before all the regulative ordinances which started in the eighties. When there were only two departments to consult with at City Hall. In fact can you research to see if it is true.

Doesn't every new ordinances costs every one, due

8.

to the constant punitive regulations
[always for
someone at least].

I submit that this ordinance is so
messing up
people's minds, that you all should go
down in
history, with your names on a plaque,
for pushing
this ordinance. I have surfed the net, and
there is
communities torn apart where this
ordinance has
been enacted. Several are repealing it.

I am beginning to wonder in
Fayetteville, must we
always be fighting. Is that how one
gets elected.


3657 East Townsend
07702

ORDINANCE NO. 3584

WASH. CO AR
-MEYER

AN ORDINANCE TO REGULATE SMOKING IN CERTAIN PUBLIC PLACES AND TO AMEND CHAPTER 95 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, ARKANSAS BY ADDING A NEW SECTION 95.05.

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, the National Institute of Occupational Safety and Health, and other scientific and health organizations demonstrate that passive smoking, or involuntary exposure to other people's tobacco smoke, is a significant health hazard for elderly people, children, individuals with cardiovascular disease, and individuals with impaired respiratory function;

WHEREAS, health hazards caused by passive smoking include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm;

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of passive smoking may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions;

WHEREAS, smoking is a frequent cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business;

WHEREAS, the Fayetteville business community has taken important steps to increase customer satisfaction by providing non-smoking areas, and this trend should be encouraged; and

WHEREAS, the purpose of this ordinance is to protect public health, safety and welfare by prohibiting smoking in certain public places essential to members of the public, and by restricting smoking to designated smoking areas in other specified public places;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF PAYETTEVILLE, ARKANSAS:

Section 1. Chapter 95 of the Code of Fayetteville is hereby amended by adding Section 95.05 to read as follows:

§95.05 Regulating Smoking in Certain Public Places.

(a) Definitions.

- (1) "Bar" means an area devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food, if any, is only incidental to the consumption of such beverages.

(2) "Designated smoking area" means an area:

(A) that is separated from non-smoking areas; is designated by appropriate signs which are clearly visible to patrons in and entering the area, or is in a facility where conspicuous signs are posted that smoking is permitted in the entire facility except for non-smoking areas; contains ashtrays, containers, or other receptacles for extinguishing smoking materials; and does not include service lines or cashier areas; and

(B) that is situated so that smoke from the smoking area does not normally enter a non-smoking area; provided that in the case of a public place that is in business or operation on the date of enactment of this ordinance, whether under the same or new management, no new physical barriers or ventilation systems need to be installed, and such public place shall be deemed to satisfy this subparagraph (a)(2)(B) if it utilizes existing physical barriers or ventilation systems to minimize the drift of smoke into non-smoking areas.

(3) "Designated non-smoking area" means an area that is separated from smoking areas, and is designated by appropriate signs which are clearly visible to patrons and entering the area.

(4) "Health care facilities" means all enclosed indoor areas in which health care is provided to the general public (other than areas to which smoking policy is already established by state law (A.C.A. §§ 20-27-701 thru 703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

(5) "Manager" means the owner, lessee, or other person in charge of a public place.

(6) "Public place" means (a) any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and (b) any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this ordinance, unless it is used as a health care or licensed child care facility.

- (7) "Smoking" means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

- (b) Restrictions on Smoking in Public Places Essential to Members of the Public.

No person shall smoke in the following public places:

- (1) health care facilities, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
- (2) licensed child care facilities, except in areas in which children being cared for are never present;
- (3) polling places;
- (4) courtrooms and jury waiting and deliberation rooms;
- (5) rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this ordinance shall not apply to meetings of private organizations;
- (6) drug stores, grocery stores, banks, libraries, and laundromats;
- (7) public transportation terminals;
- (8) buses, taxis, and airport limousines operating within the city limits;
- (9) elevators accessible to the public;
- (10) restrooms, except in facilities listed in subsection (d) of this ordinance; and
- (11) swimming pools owned or operated by the city.

- (c) Restrictions on Smoking in Certain Other Public Places.

No person shall smoke in the following public places, except in designated smoking areas:

- (1) facilities primarily used for exhibiting any motion picture, lecture, musical recital,

stage or other similar performance, except when smoking is part of a stage production;

- (2) enclosed walkways in malls and shopping centers;
 - (3) hotels and motels;
 - (4) museums and galleries;
 - (5) bank and retail stores doing business with the general public, except for retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less and the management posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the restaurant; and
 - (7) health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, except for pool halls.
- (d) The provisions of this ordinance shall not apply to the following facilities, provided that the facility posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility:
- (1) bars, and separated bar areas of restaurants;
 - (2) beauty salons and barber shops;
 - (3) retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (4) gasoline stations and convenience stores; and
 - (5) pool halls; and
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less.
- (e) Duties of Managers of Public Places.
- (1) The manager of public place to which this ordinance applies shall make one of the following three designations. The manager may

designate: (A) the entire public place as a non-smoking facility; or (B) separate areas of the public place as a designated smoking and non-smoking, if permitted by paragraph (c) of this ordinance; or (C) the entire public place as a smoking-permitted facility, if permitted by paragraph (d) of this ordinance.

- (2) The manager of a public place, if the entire public place has been designated a smoking-permitted facility, shall post a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility.
- (3) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that (A) smoking is prohibited, or (B) that smoking is prohibited except within designated smoking areas, or (C) that smoking is permitted except within designated non-smoking areas.
- (4) The manager of a public place in which a smoking and non-smoking areas has been designated shall comply with the requirements of this ordinance for sitting of the designated smoking and non-smoking areas.
- (5) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited. The manager may fulfill this duty by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas.
- (6) Nothing in this ordinance shall preclude the manager of a public place listed in paragraphs (c) or (d) of this ordinance from designating all of the facility to be non-smoking, or from designating part of public place listed in paragraph (d) as a non-smoking area.

(f) Enforcement.

- (1) The City Manager shall designate officers responsible for enforcing the provisions of this ordinance, with due regard for the circumstances of each type of facility subject to the ordinance.

(2) The violation of any provision of this ordinance shall be punishable by a fine of not less than \$10.00 and not more than \$100, except that in inadvertent first offender may be given a warning. Each day a violation of this ordinance continues shall be a separate offense.

(3) City officials responsible for issuing building permits and certificates of occupancy for facilities subject to this ordinance shall consider applicants' compliance with, or agreement to comply with paragraph (e)(4) as a factor in deciding whether to issue the permit.

(g) Relation to Other Laws and Regulations.

Nothing in this ordinance excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(h) Severability.

If any part of this ordinance, or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

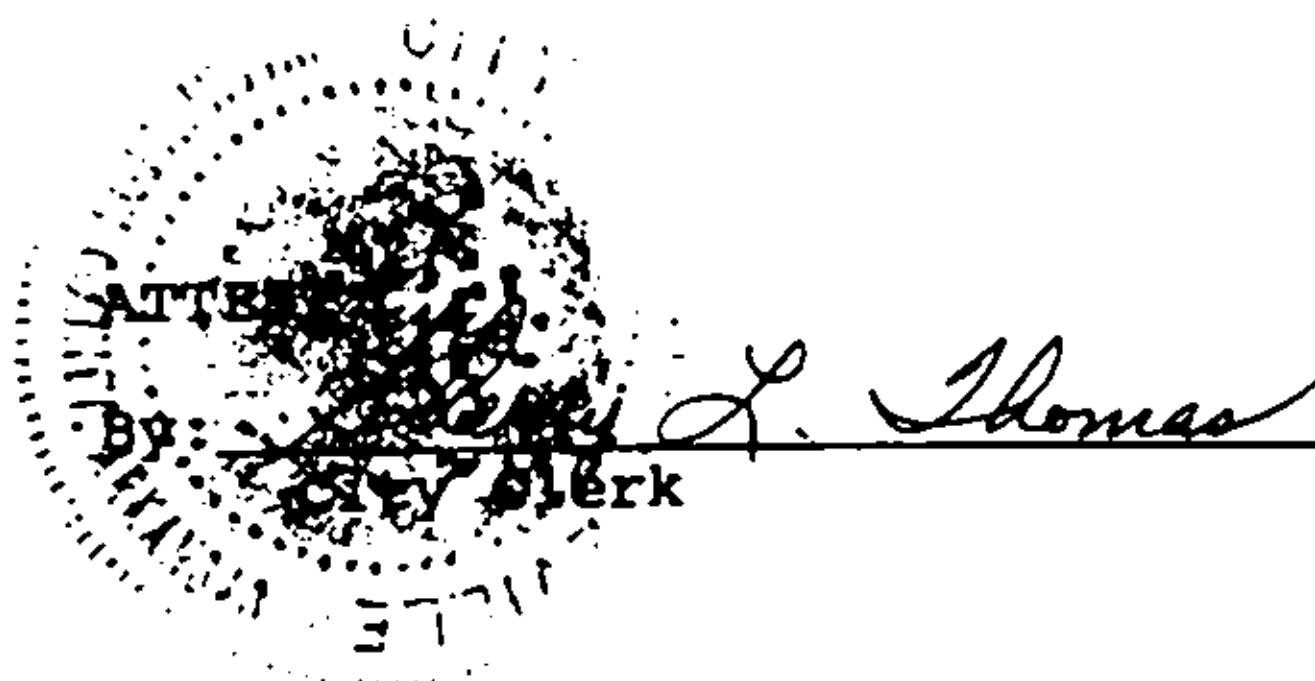
(i) Effective Date.

This ordinance shall be effective three months after the date of approval by the Fayetteville Board of Directors.

PASSED AND APPROVED this 17th day of December, 1991.

APPROVED:

By: *Red S. Winger*
Mayor



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF July ¹⁵ 1, 2003

FROM:

DON MARR, ALDERMAN and SHIRLEY LUCAS, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An ordinance to amend §95.05 **Regulation Of Smoking In Certain Public Places** of the Code of Fayetteville and to enact a replacement §95.05 **Regulation Of Smoking In Most Public Places And Places Of Employment** in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.

APPROVED FOR AGENDA:

Donald A. Marr 6-23-2003
Alderman Date

Shirley Lucas 6-23-03
Alderman Date

D. J. Whit 6/23/03
City Attorney (as to form) Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT IN ORDER TO REMOVE EXEMPTIONS FOR BARS, POOL HALLS, SMALL RESTAURANTS, BEAUTY SALONS, BARBER SHOPS AND DESIGNATED SMOKING AREAS IN ENCLOSED PUBLIC ACCESS AREAS IN RESTAURANTS, THEATERS, ROLLER RINKS, BOWLING ALLEYS, AND RETAIL STORES, ETC.

WHEREAS, Ordinance No. 3584 enacted on December 17, 1991, regulated smoking in numerous public places, but permitted designated smoking areas in restaurants, theaters, museums, galleries, malls, hotels, motels, banks, retail stores, health spas, roller rinks, bowling alleys, etc.; and

WHEREAS, Ordinance No. 3584 codified as §95.05 Regulation of smoking in certain public places did not apply to bars, separated bars in restaurants, beauty salons, barber shops, convenience stores, pool halls and small restaurants nor many places of employment; and

WHEREAS, scientific studies have proven that second hand tobacco smoke is a recognized carcinogen and is otherwise dangerous and causes diseases in the health of nonsmokers; and

WHEREAS, the United States Surgeon General has determined that separation of smokers and nonsmokers within the same airspace does not eliminate exposure of nonsmokers to second hand smoke; and

WHEREAS, employees who work in a smoke-filled business suffer 25%-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer; and

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, economic analyses have shown no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of

disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respirator function to be a disability.

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 **§95.05 Regulation of smoking in certain public places** of the Fayetteville Code, in its entirety and enacts the following new **§95.05 Regulation of smoking in most public places** of the Fayetteville Code to replace it:

"Sec. 95.05. Regulation of smoking in most public places.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. An establishment that is devoted solely to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant: An eating establishment, including but not limited to dining establishments, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Health care facilities. All enclosed indoor areas in which health care is provided to the

general public (other than areas to which smoking policy is already established by state law, A.C.A. §§20-27-701 through 20-27-703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

Public place.

- (1) Any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and
- (2) Any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a

public place for purposes of this section unless it is used as a health care or licensed child care facility.

Retail Tobacco Store. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

Sports arenas. Means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports or other events.

(B) *Restrictions on smoking in public places essential to members of the public.* No person shall smoke in the following public places:

- (1) Health care facilities.
- (2) Within the physical confines of licensed child care facilities. (As defined in A.C.A. §20-78-217)
- (3) Polling places;
- (4) Courtrooms and jury waiting and deliberation rooms;
- (5) Rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this section shall not apply to meetings of private organizations;
- (6) Drug stores, grocery stores, banks, libraries, and laundromats;
- (7) Public transportation terminals;
- (8) Buses, taxis, and airport limousines operating within the city limits;
- (9) Elevators accessible to the public;
- (10) Restrooms; and
- (11) Swimming pools owned or operated by the city.

(C) *Restrictions on smoking in certain other public places.* No person shall smoke in the following enclosed public places and places of employment or work places:

- (1) Facilities primarily used for exhibiting any motion picture, lecture, musical recital, stage or other similar performance, except when smoking is part of a stage production;
 - (2) Enclosed walkways in malls and shopping centers;
 - (3) Hotels and motels, except hotel and motel rooms that are rented to guests and are designated as smoking rooms.
 - (4) Museums and galleries;
 - (5) Bank and retail stores doing business with the general public, except for retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) Restaurants, cafeterias, cafes, coffee shops, etc.
 - (7) Health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, including pool halls;
 - (8) Bars, taverns, nightclubs, cocktail lounges, cabarets, etc.
 - (9) Beauty salons and barber shops;
 - (10) Convenience stores.
 - (11) An outside area within a reasonable distance of fifteen (15) feet from a main entrance to an enclosed area in which smoking is prohibited.
 - (12) Enclosed places of employment and work places if a nonsmoking employee is present or regularly enters or uses that portion of an enclosed place of employment or work place.
 - (13) Business vehicles with at least one nonsmoker as an occupant.
- (D) The provisions of this section shall not apply to Retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products.
- (E) *Duties of managers of public places.*

(E) *Duties of managers of public places.*

- (1) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that Smoking is prohibited.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited.

(F) *Enforcement.*

- (1) This section shall be enforced by the Mayor or an authorized designee.
- (2) Any citizen who desires to register a complaint under this section may initiate enforcement with the Mayor's office.
- (3) An owner, manager, operator or employee of an establishment regulated by this section shall inform persons violating this section of the appropriate provisions thereof.
- (4) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty dollars (\$50.00).
- (5) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Section shall be guilty of a violation, punishable by:

- (a) A fine not exceeding one hundred

dollars (\$100.00) for a first violation;

- (b) A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year;

- (c) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

- (6) In addition to the fines established by this Section, multiple violation of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

- (7) Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.

(G) *Relation to other laws and regulations.*

Nothing in this section excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(H) *Jurisdiction.*

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

(Ord. No. 3584, 12-17-91)

PASSED and APPROVED this the 1st day of July, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

DRAFT

Jun 20 03 09:55a

CITY ATTORNEY

4795758315

p. 1

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

DAVID J. WHITAKER
Assistant City Attorney
Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315



113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

June 20, 2003

Don Marr
Fayetteville Alderman

845-2800 - Judy
By FAX: (479) 845-2801

Dear Don:

Attached is the revised smoking ordinance per your instruction. I also revised the Title to specifically mention "places of employment" and placed that within the second Whereas Clause. This is a major change in the law and so needs to be referred to in the title of the ordinance.

Please review this final (?) draft and let me know if any further changes are needed.

With kindest regards,

Kit Williams
Fayetteville City Attorney

KW/jh

Attachment

JUN 20 03 09:55a

CITY ATTORNEY

4795758315

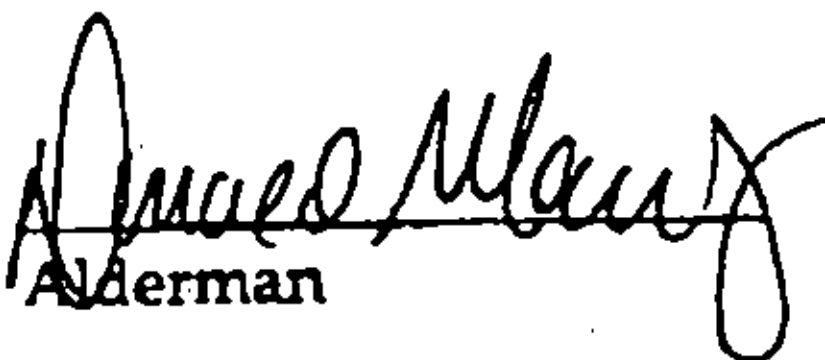
P. 2

ALDERMAN AGENDA REQUEST FORM**FOR: COUNCIL MEETING OF July 1, 2003**

FROM:**DON MARR, ALDERMAN and SHIRLEY LUCAS, ALDERMAN**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An ordinance to amend §95.05 Regulation Of Smoking In Certain Public Places of the Code of Fayetteville and to enact a replacement §95.05 Regulation Of Smoking In Most Public Places And Places Of Employment in order to remove exemptions for bars, pool halls, small restaurants, beauty salons, barber shops and designated smoking areas in enclosed public access areas in restaurants, theaters, roller rinks, bowling alleys, and retail stores, etc.

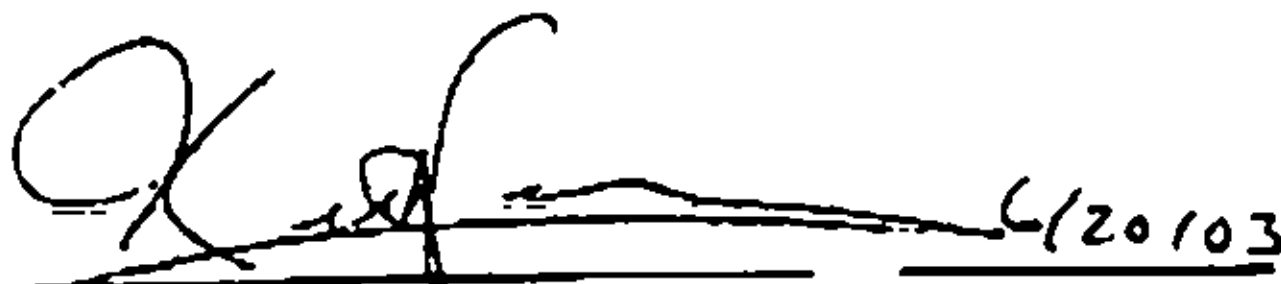
APPROVED FOR AGENDA:

Alderman

6-20-03

Date

Alderman

Date

City Attorney (as to form)

6/20/03
Date

HP OfficeJet
Personal Printer/Fax/Copier/Scanner

Fax History Report for
City Clerk's Ofc
501-718-7695
Jul 10 2003 3:39pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
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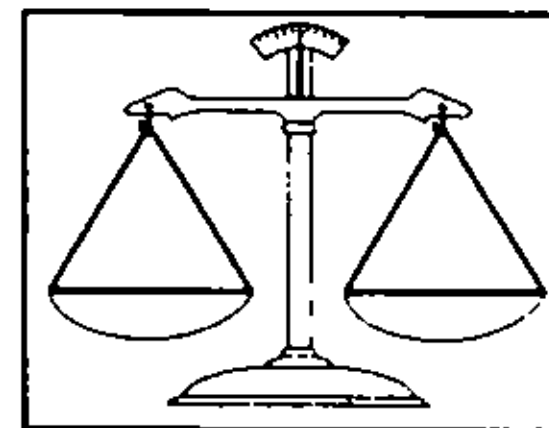
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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to be 'Kit Williams', written over a horizontal line.

DATE: July 29, 2003

RE: Smoking Ordinance (Options)

I was asked by a few aldermen to draft some language for the proposed smoking ordinance revision that would exempt bars (and thus allow smoking in bars). Attached is my draft to accomplish this.

One of the most difficult issues if stand alone bars are to be exempted is what to do with the many bar areas in restaurants. The aldermen wished to make this a level playing field for all competitors, but with the many varied floor plans of existing establishments, any ordinance requirement will affect some establishments more than others.

I was told these bar areas should be enclosed and separately ventilated to prevent smoke from drifting into the restaurant area (which was to remain nonsmoking). I have tried to accomplish these goals by revising and enlarging the definitions of "bars" and "restaurants." If a bar area in a restaurant could not meet the definition of a "bar" ("enclosed area" and proper ventilation), it would simply be part of the restaurant with smoking prohibited.

I also changed the definition of "place of employment" to exclude "bars" as well as "retail tobacco stores". I then included bars within subsection D. Exemptions and clarified that pool halls would be non-smoking unless it was part of a "bar".

If desired by a majority of the City Council, this optional draft would allow all stand alone bars in which the service of food is merely incidental to the consumption of beverages to remain either smoking or non-smoking at the option of the owner/manager. (This is the current law.) All restaurants would be "smoke free" which changes current law which allows smoking areas in restaurants at the owner's discretion. A bar area in restaurants would need to be enclosed away from the restaurant with separate ventilation systems if the owner desired the bar area to allow smoking.

The "place of employment" definition had to be changed to exclude "bars" as well as "retail tobacco stores". Thus, employees in bars would still be subject to second hand smoke.

If any alderman would like other potential changes, deletions, or additions to the proposed revision of the Smoking Ordinance, please let me know.

— BARS EXEMPTED —

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT IN ORDER TO REMOVE EXEMPTIONS FOR POOL HALLS, SMALL RESTAURANTS, BEAUTY SALONS, BARBER SHOPS AND DESIGNATED SMOKING AREAS IN ENCLOSED PUBLIC ACCESS AREAS IN RESTAURANTS, THEATERS, ROLLER RINKS, BOWLING ALLEYS, AND RETAIL STORES, ETC.

WHEREAS, Ordinance No. 3584 enacted on December 17, 1991, regulated smoking in numerous public places, but permitted designated smoking areas in restaurants, theaters, museums, galleries, malls, hotels, motels, banks, retail stores, health spas, roller rinks, bowling alleys, etc.; and

WHEREAS, Ordinance No. 3584 codified as §95.05 Regulation of smoking in certain public places did not apply to bars, separated bars in restaurants, beauty salons, barber shops, convenience stores, pool halls and small restaurants nor many places of employment; and

WHEREAS, scientific studies have proven that second hand tobacco smoke is a recognized carcinogen and is otherwise dangerous and causes diseases in the health of nonsmokers; and

WHEREAS, the United States Surgeon General has determined that separation of smokers and nonsmokers within the same airspace does not eliminate exposure of nonsmokers to second hand smoke; and

WHEREAS, employees who work in a smoke-filled business suffer 25%-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer; and

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, economic analyses have shown no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respirator function to be a disability.

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 **§95.05 Regulation of smoking in certain public places of the Fayetteville Code**, in its entirety and enacts the following new **§95.05 Regulation of smoking in most public places and places of employment of the Fayetteville Code** to replace it:

"Sec. 95.05. Regulation of smoking in most public places and places of employment.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. A separate, stand alone establishment within its own building or an establishment in an "enclosed area" within a separate part of a building with a ventilation system that ensures its air is not commingled with other parts of the building, whether termed a private club or public establishment, that is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages. Service of sandwiches, entrees, or food items other than appetizers, chips, etc. are not merely incidental to the consumption of beverages and will change the designation of the establishment into a "restaurant" rather than a "bar".

Restaurant. An eating establishment, including but not limited to dining establishments, private clubs, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant if the bar area allows service of food that is not merely incidental to the consumption of beverages or if the bar area is not a properly ventilated "enclosed area".

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Health care facilities. All enclosed indoor areas in which health care is provided to the general public (other than areas to which

smoking policy is already established by state law, A.C.A. §§20-27-701 through 20-27-703),

including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility. A "bar" and a "retail tobacco store" are not places of employment for purposes of this Section.

Public place.

- (1) Any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and
- (2) Any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this section unless it is used as a health care or licensed child care facility.

Retail Tobacco Store. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

Sports arenas. Means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports or other events.

- (B) **Restrictions on smoking in public places essential to members of the public.** No person shall smoke in the following public places:

- (1) Health care facilities.
- (2) Within the physical confines of licensed child care facilities. (As defined in A.C.A. §20-78-217)
- (3) Polling places;
- (4) Courtrooms and jury waiting and deliberation rooms;
- (5) Rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this section shall not apply to meetings of private organizations;
- (6) Drug stores, grocery stores, banks, libraries, and laundromats;
- (7) Public transportation terminals;
- (8) Buses, taxis, and airport limousines operating within the city limits;
- (9) Elevators accessible to the public;
- (10) Restrooms; and
- (11) Swimming pools owned or operated by the city.

- (C) **Restrictions on smoking in certain other public places.** No person shall smoke in the following enclosed public places and places of employment or work places:

- (1) Facilities primarily used for exhibiting any motion picture, lecture, musical recital, stage or other similar performance, except when smoking is part of a stage production;
- (2) Enclosed walkways in malls and shopping centers;
- (3) Hotels and motels, except hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- (4) Museums and galleries;
- (5) Bank and retail stores doing business with the general public, except for retail tobacco stores whose primary source of revenue is the sale of tobacco and tobacco-related products;

- (6) Restaurants, cafeterias, cafes, coffee shops, etc.
- (7) Health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, including pool halls;
- (8) Beauty salons and barber shops;
- (9) Convenience stores.
- (10) An area within a reasonable distance of fifteen (15) feet from a main entrance to an enclosed area in which smoking is prohibited. A "bar" located within a restaurant can satisfy this requirement by having sufficient ventilation or other means to prevent smoke from entering the restaurant from the entrance to the bar. Additional exits from bars in restaurants for emergency use only do not need special ventilation measures, but must be alarmed and used only for emergency evacuation of the bar.
- (11) Enclosed places of employment and work places if a nonsmoking employee is present or regularly enters or uses that portion of an enclosed place of employment or work place.
- (12) Business vehicles with at least one nonsmoker as an occupant.

(D) Exemptions.

The provisions of this section shall not apply to a "retail tobacco store" whose primary source of revenue is the sale of tobacco and tobacco-related products, nor "bars" as defined in this section. "Bars" that offer recreation such as pool tables, remain exempt "bars", while pool halls that are not within a bar are not exempt from the no smoking prohibition.

(E) Duties of managers of public places.

- (1) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that Smoking is prohibited.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited.

(F) Enforcement.

- (1) This section shall be enforced by the Mayor or an authorized designee.
- (2) Any citizen who desires to register a complaint under this section may initiate enforcement with the Mayor's office.
- (3) An owner, manager, operator or employee of an establishment regulated by this section shall inform persons violating this section of the appropriate provisions thereof.
- (4) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty dollars (\$50.00).
- (5) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Section shall be guilty of a violation, punishable by:
 - (a) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (b) A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year;
 - (c) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- (6) In addition to the fines established by this Section, multiple violation of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- (7) Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.

(G) Relation to other laws and regulations.

Nothing in this section excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto

(including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(H) *Jurisdiction.*

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

(Ord. No. 3584, 12-17-91)

PASSED and APPROVED this the 5th day of August, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

ORDINANCE NO. 3584

AN ORDINANCE TO REGULATE SMOKING IN CERTAIN PUBLIC PLACES AND TO AMEND CHAPTER 95 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, ARKANSAS BY ADDING A NEW SECTION 95.05.

W. H. H. CO AR
- MEYER

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, the National Institute of Occupational Safety and Health, and other scientific and health organizations demonstrate that passive smoking, or involuntary exposure to other people's tobacco smoke, is a significant health hazard for elderly people, children, individuals with cardiovascular disease, and individuals with impaired respiratory function;

WHEREAS, health hazards caused by passive smoking include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm;

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of passive smoking may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions;

WHEREAS, smoking is a frequent cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business;

WHEREAS, the Fayetteville business community has taken important steps to increase customer satisfaction by providing non-smoking areas, and this trend should be encouraged; and

WHEREAS, the purpose of this ordinance is to protect public health, safety and welfare by prohibiting smoking in certain public places essential to members of the public, and by restricting smoking to designated smoking areas in other specified public places;

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

Section 1. Chapter 95 of the Code of Fayetteville is hereby amended by adding Section 95.05 to read as follows:

§95.05 Regulating Smoking in Certain Public Places.

(a) Definitions.

- (1) "Bar" means an area devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food, if any, is only incidental to the consumption of such beverages.

- (2) "Designated smoking area" means an area:
- (A) that is separated from non-smoking areas; is designated by appropriate signs which are clearly visible to patrons in and entering the area, or is in a facility where conspicuous signs are posted that smoking is permitted in the entire facility except for non-smoking areas; contains ashtrays, containers, or other receptacles for extinguishing smoking materials; and does not include service lines or cashier areas; and
 - (B) that is situated so that smoke from the smoking area does not normally enter a non-smoking area; provided that in the case of a public place that is in business or operation on the date of enactment of this ordinance, whether under the same or new management, no new physical barriers or ventilation systems need to be installed, and such public place shall be deemed to satisfy this subparagraph (a)(2)(B) if it utilizes existing physical barriers or ventilation systems to minimize the drift of smoke into non-smoking areas.
- (3) "Designated non-smoking area" means an area that is separated from smoking areas, and is designated by appropriate signs which are clearly visible to patrons and entering the area.
- (4) "Health care facilities" means all enclosed indoor areas in which health care is provided to the general public (other than areas to which smoking policy is already established by state law (A.C.A. §§ 20-27-701 thru 703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.
- (5) "Manager" means the owner, lessee, or other person in charge of a public place.
- (6) "Public place" means (a) any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and (b) any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this ordinance, unless it is used as a health care or licensed child care facility.

- (7) "Smoking" means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

- (b) Restrictions on Smoking in Public Places Essential to Members of the Public.

No person shall smoke in the following public places:

- (1) health care facilities, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
- (2) licensed child care facilities, except in areas in which children being cared for are never present;
- (3) polling places;
- (4) courtrooms and jury waiting and deliberation rooms;
- (5) rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this ordinance shall not apply to meetings of private organizations;
- (6) drug stores, grocery stores, banks, libraries, and laundromats;
- (7) public transportation terminals;
- (8) buses, taxis, and airport limousines operating within the city limits;
- (9) elevators accessible to the public;
- (10) restrooms, except in facilities listed in subsection (d) of this ordinance; and
- (11) swimming pools owned or operated by the city.

- (c) Restrictions on Smoking in Certain Other Public Places.

No person shall smoke in the following public places, except in designated smoking areas:

- (1) facilities primarily used for exhibiting any motion picture, lecture, musical recital,

stage or other similar performance, except when smoking is part of a stage production;

- (2) enclosed walkways in malls and shopping centers;
 - (3) hotels and motels;
 - (4) museums and galleries;
 - (5) bank and retail stores doing business with the general public, except for retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less and the management posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the restaurant; and
 - (7) health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, except for pool halls.
- (d) The provisions of this ordinance shall not apply to the following facilities, provided that the facility posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility:
- (1) bars, and separated bar areas of restaurants;
 - (2) beauty salons and barber shops;
 - (3) retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (4) gasoline stations and convenience stores; and
 - (5) pool halls; and
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less.
- (e) Duties of Managers of Public Places.
- (1) The manager of public place to which this ordinance applies shall make one of the following three designations. The manager may

designate: (A) the entire public place as a non-smoking facility; or (B) separate areas of the public place as a designated smoking and non-smoking, if permitted by paragraph (c) of this ordinance; or (C) the entire public place as a smoking-permitted facility, if permitted by paragraph (d) of this ordinance.

- (2) The manager of a public place, if the entire public place has been designated a smoking-permitted facility, shall post a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility.
- (3) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that (A) smoking is prohibited, or (B) that smoking is prohibited except within designated smoking areas, or (C) that smoking is permitted except within designated non-smoking areas.
- (4) The manager of a public place in which a smoking and non-smoking areas has been designated shall comply with the requirements of this ordinance for sitting of the designated smoking and non-smoking areas.
- (5) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited. The manager may fulfill this duty by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas.
- (6) Nothing in this ordinance shall preclude the manager of a public place listed in paragraphs (c) or (d) of this ordinance from designating all of the facility to be non-smoking, or from designating part of public place listed in paragraph (d) as a non-smoking area.

(f) Enforcement.

- (1) The City Manager shall designate officers responsible for enforcing the provisions of this ordinance, with due regard for the circumstances of each type of facility subject to the ordinance.

(2) The violation of any provision of this ordinance shall be punishable by a fine of not less than \$10.00 and not more than \$100, except that in inadvertent first offender may be given a warning. Each day a violation of this ordinance continues shall be a separate offense.

(3) City officials responsible for issuing building permits and certificates of occupancy for facilities subject to this ordinance shall consider applicants' compliance with, or agreement to comply with paragraph (e)(4) as a factor in deciding whether to issue the permit.

(g) Relation to Other Laws and Regulations.

Nothing in this ordinance excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(h) Severability.

If any part of this ordinance, or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

(i) Effective Date.

This ordinance shall be effective three months after the date of approval by the Fayetteville Board of Directors.

PASSED AND APPROVED this 17th day of December, 1991.

APPROVED:

By: *Ref. J. W. Sanger*
Mayor

By: *L. Thomas*
City Clerk



who.int/tobacco or
who.org/tfi

WHO Framework Convention on Tobacco Control

Preamble

The Parties to this Convention,

Determined to give priority to their right to protect public health,

Recognizing that the spread of the tobacco epidemic is a global problem with serious consequences for public health that calls for the widest possible international cooperation and the participation of all countries in an effective, appropriate and comprehensive international response,

Reflecting the concern of the international community about the devastating worldwide health, social, economic and environmental consequences of tobacco consumption and exposure to tobacco smoke,

Seriously concerned about the increase in the worldwide consumption and production of cigarettes and other tobacco products, particularly in developing countries, as well as about the burden this places on families, on the poor, and on national health systems,

Recognizing that scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease and disability, and that there is a time lag between the exposure to smoking and the other uses of tobacco products and the onset of tobacco-related diseases,

Recognizing also that cigarettes and some other products containing tobacco are highly engineered so as to create and maintain dependence, and that many of the compounds they contain and the smoke they produce are pharmacologically active, toxic, mutagenic and carcinogenic, and that tobacco dependence is separately classified as a disorder in major international classifications of diseases,

Acknowledging that there is clear scientific evidence that prenatal exposure to tobacco smoke causes adverse health and developmental conditions for children,

Deeply concerned about the escalation in smoking and other forms of tobacco consumption by children and adolescents worldwide, particularly smoking at increasingly early ages,

Alarmed by the increase in smoking and other forms of tobacco consumption by women and young girls worldwide and keeping in mind the need for full participation of women at all levels of policy-making and implementation and the need for gender-specific tobacco control strategies,

Deeply concerned about the high levels of smoking and other forms of tobacco consumption by indigenous peoples,

Seriously concerned about the impact of all forms of advertising, promotion and sponsorship aimed at encouraging the use of tobacco products,

Recognizing that cooperative action is necessary to eliminate all forms of illicit trade in cigarettes and other tobacco products, including smuggling, illicit manufacturing and counterfeiting,

Acknowledging that tobacco control at all levels and particularly in developing countries and in countries with economies in transition requires sufficient financial and technical resources commensurate with the current and projected need for tobacco control activities,

Recognizing the need to develop appropriate mechanisms to address the long-term social and economic implications of successful tobacco demand reduction strategies,

Mindful of the social and economic difficulties that tobacco control programmes may engender in the medium and long term in some developing countries and countries with economies in transition, and recognizing their need for technical and financial assistance in the context of nationally developed strategies for sustainable development,

Conscious of the valuable work being conducted by many States on tobacco control and commending the leadership of the World Health Organization as well as the efforts of other organizations and bodies of the United Nations system and other international and regional intergovernmental organizations in developing measures on tobacco control,

Emphasizing the special contribution of nongovernmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts,

Recognizing the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts,

Recalling Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which states that it is the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling also the preamble to the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition,

Determined to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations,

Recalling that the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, provides that States Parties to that Convention shall take appropriate measures to eliminate discrimination against women in the field of health care,

Recalling further that the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, provides that States Parties to that Convention recognize the right of the child to the enjoyment of the highest attainable standard of health,

Have agreed, as follows:

PART I: INTRODUCTION

Article 1 *Use of terms*

For the purposes of this Convention:

- (a) "illicit trade" means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity;
- (b) "regional economic integration organization" means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters;¹
- (c) "tobacco advertising and promotion" means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;
- (d) "tobacco control" means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;
- (e) "tobacco industry" means tobacco manufacturers, wholesale distributors and importers of tobacco products;
- (f) "tobacco products" means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing;
- (g) "tobacco sponsorship" means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

Article 2

Relationship between this Convention and other agreements and legal instruments

1. In order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law.
2. The provisions of the Convention and its protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat.

¹ Where appropriate, national will refer equally to regional economic integration organizations.

PART II: OBJECTIVE, GUIDING PRINCIPLES AND GENERAL OBLIGATIONS

Article 3 ***Objective***

The objective of this Convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

Article 4 ***Guiding principles***

To achieve the objective of this Convention and its protocols and to implement its provisions, the Parties shall be guided, *inter alia*, by the principles set out below:

1. Every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke and effective legislative, executive, administrative or other measures should be contemplated at the appropriate governmental level to protect all persons from exposure to tobacco smoke.
2. Strong political commitment is necessary to develop and support, at the national, regional and international levels, comprehensive multisectoral measures and coordinated responses, taking into consideration:
 - (a) the need to take measures to protect all persons from exposure to tobacco smoke;
 - (b) the need to take measures to prevent the initiation, to promote and support cessation, and to decrease the consumption of tobacco products in any form;
 - (c) the need to take measures to promote the participation of indigenous individuals and communities in the development, implementation and evaluation of tobacco control programmes that are socially and culturally appropriate to their needs and perspectives; and
 - (d) the need to take measures to address gender-specific risks when developing tobacco control strategies.
3. International cooperation, particularly transfer of technology, knowledge and financial assistance and provision of related expertise, to establish and implement effective tobacco control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, is an important part of the Convention.
4. Comprehensive multisectoral measures and responses to reduce consumption of all tobacco products at the national, regional and international levels are essential so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to tobacco consumption and exposure to tobacco smoke.
5. Issues relating to liability, as determined by each Party within its jurisdiction, are an important part of comprehensive tobacco control.

6. The importance of technical and financial assistance to aid the economic transition of tobacco growers and workers whose livelihoods are seriously affected as a consequence of tobacco control programmes in developing country Parties, as well as Parties with economies in transition, should be recognized and addressed in the context of nationally developed strategies for sustainable development.

7. The participation of civil society is essential in achieving the objective of the Convention and its protocols.

Article 5 *General obligations*

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

(a) establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control; and

(b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.

3. In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.

6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms.

PART III: MEASURES RELATING TO THE REDUCTION OF DEMAND FOR TOBACCO

Article 6 *Price and tax measures to reduce the demand for tobacco*

1. The Parties recognize that price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.

2. Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning tobacco control and adopt or maintain, as appropriate, measures which may include:

(a) implementing tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption; and

(b) prohibiting or restricting, as appropriate, sales to and/or importations by international travellers of tax- and duty-free tobacco products.

3. The Parties shall provide rates of taxation for tobacco products and trends in tobacco consumption in their periodic reports to the Conference of the Parties, in accordance with Article 21.

Article 7

Non-price measures to reduce the demand for tobacco

The Parties recognize that comprehensive non-price measures are an effective and important means of reducing tobacco consumption. Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall propose appropriate guidelines for the implementation of the provisions of these Articles.

Article 8

Protection from exposure to tobacco smoke

1. Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability.

2. Each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.

Article 9

Regulation of the contents of tobacco products

The Conference of the Parties, in consultation with competent international bodies, shall propose guidelines for testing and measuring the contents and emissions of tobacco products, and for the regulation of these contents and emissions. Each Party shall, where approved by competent national authorities, adopt and implement effective legislative, executive and administrative or other measures for such testing and measuring, and for such regulation.

Article 10

Regulation of tobacco product disclosures

Each Party shall, in accordance with its national law, adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of tobacco products to disclose to governmental authorities information about the contents and emissions of tobacco

products. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the tobacco products and the emissions that they may produce.

Article 11
Packaging and labelling of tobacco products

1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as "low tar", "light", "ultra-light", or "mild"; and

(b) each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages. These warnings and messages:

(i) shall be approved by the competent national authority,

(ii) shall be rotating,

(iii) shall be large, clear, visible and legible,

(iv) should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas,

(v) may be in the form of or include pictures or pictograms.

2. Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of tobacco products as defined by national authorities.

3. Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of tobacco products and any outside packaging and labelling of such products in its principal language or languages.

4. For the purposes of this Article, the term "outside packaging and labelling" in relation to tobacco products applies to any packaging and labelling used in the retail sale of the product.

Article 12
Education, communication, training and public awareness

Each Party shall promote and strengthen public awareness of tobacco control issues, using all available communication tools, as appropriate. Towards this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote:

- (a) broad access to effective and comprehensive educational and public awareness programmes on the health risks including the addictive characteristics of tobacco consumption and exposure to tobacco smoke;
- (b) public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles as specified in Article 14.2;
- (c) public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention;
- (d) effective and appropriate training or sensitization and awareness programmes on tobacco control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons;
- (e) awareness and participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control; and
- (f) public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption.

Article 13
Tobacco advertising, promotion and sponsorship

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.
3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, restrictions or a comprehensive ban on advertising, promotion and sponsorship originating from its territory with cross-border effects. In this respect, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

4. As a minimum, and in accordance with its constitution or constitutional principles, each Party shall:

- (a) prohibit all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;
- (b) require that health or other appropriate warnings or messages accompany all tobacco advertising and, as appropriate, promotion and sponsorship;
- (c) restrict the use of direct or indirect incentives that encourage the purchase of tobacco products by the public;
- (d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited. Those authorities may decide to make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21;
- (e) undertake a comprehensive ban or, in the case of a Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, restrict tobacco advertising, promotion and sponsorship on radio, television, print media and, as appropriate, other media, such as the internet, within a period of five years; and
- (f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, tobacco sponsorship of international events, activities and/or participants therein.

5. Parties are encouraged to implement measures beyond the obligations set out in paragraph 4.

6. Parties shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.

7. Parties which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law. This paragraph does not endorse or approve of any particular penalty.

8. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship.

Article 14

Demand reduction measures concerning tobacco dependence and cessation

1. Each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence.

2. Towards this end, each Party shall endeavour to:

- (a) design and implement effective programmes aimed at promoting the cessation of tobacco use, in such locations as educational institutions, health care facilities, workplaces and sporting environments;
- (b) include diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers as appropriate;
- (c) establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating tobacco dependence; and
- (d) collaborate with other Parties to facilitate accessibility and affordability for treatment of tobacco dependence including pharmaceutical products pursuant to Article 22. Such products and their constituents may include medicines, products used to administer medicines and diagnostics when appropriate.

PART IV: MEASURES RELATING TO THE REDUCTION OF THE SUPPLY OF TOBACCO

Article 15

Illicit trade in tobacco products

1. The Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of tobacco control.

2. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of tobacco products and any outside packaging of such products are marked to assist Parties in determining the origin of tobacco products, and in accordance with national law and relevant bilateral or multilateral agreements, assist Parties in determining the point of diversion and monitor, document and control the movement of tobacco products and their legal status. In addition, each Party shall:

- (a) require that unit packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: "*Sales only allowed in (insert name of the country, subnational, regional or federal unit)*" or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market; and
- (b) consider, as appropriate, developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade.

3. Each Party shall require that the packaging information or marking specified in paragraph 2 of this Article shall be presented in legible form and/or appear in its principal language or languages.

4. With a view to eliminating illicit trade in tobacco products, each Party shall:

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- (a) monitor and collect data on cross-border trade in tobacco products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements;
 - (b) enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in tobacco products, including counterfeit and contraband cigarettes;
 - (c) take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law;
 - (d) adopt and implement measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties within its jurisdiction; and
 - (e) adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in tobacco products.

5. Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21.

6. The Parties shall, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products.

7. Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade.

Article 16 *Sales to and by minors*

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen. These measures may include:

- (a) requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age;
- (b) banning the sale of tobacco products in any manner by which they are directly accessible, such as store shelves;
- (c) prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors; and

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- (d) ensuring that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors.
2. Each Party shall prohibit or promote the prohibition of the distribution of free tobacco products to the public and especially minors.
3. Each Party shall endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors.
4. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.
5. When signing, ratifying, accepting, approving or acceding to the Convention or at any time thereafter, a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban on tobacco vending machines. The declaration made pursuant to this Article shall be circulated by the Depositary to all Parties to the Convention.
6. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-5 of this Article.
7. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.

Article 17

Provision of support for economically viable alternative activities

Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers.

PART V: PROTECTION OF THE ENVIRONMENT

Article 18

Protection of the environment and the health of persons

In carrying out their obligations under this Convention, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories.

PART VI: QUESTIONS RELATED TO LIABILITY

Article 19

Liability

1. For the purpose of tobacco control, the Parties shall consider taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate.
2. Parties shall cooperate with each other in exchanging information through the Conference of the Parties in accordance with Article 21 including:
 - (a) information on the health effects of the consumption of tobacco products and exposure to tobacco smoke in accordance with Article 20.3(a); and
 - (b) information on legislation and regulations in force as well as pertinent jurisprudence.
3. The Parties shall, as appropriate and mutually agreed, within the limits of national legislation, policies, legal practices and applicable existing treaty arrangements, afford one another assistance in legal proceedings relating to civil and criminal liability consistent with this Convention.
4. The Convention shall in no way affect or limit any rights of access of the Parties to each other's courts where such rights exist.
5. The Conference of the Parties may consider, if possible, at an early stage, taking account of the work being done in relevant international fora, issues related to liability including appropriate international approaches to these issues and appropriate means to support, upon request, the Parties in their legislative and other activities in accordance with this Article.

PART VII: SCIENTIFIC AND TECHNICAL COOPERATION AND COMMUNICATION OF INFORMATION

Article 20

Research, surveillance and exchange of information

1. The Parties undertake to develop and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control. Towards this end, each Party shall:
 - (a) initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments, and in so doing promote and encourage research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke as well as research for identification of alternative crops; and
 - (b) promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in tobacco control activities, including research, implementation and evaluation.

2. The Parties shall establish, as appropriate, programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke. Towards this end, the Parties should integrate tobacco surveillance programmes into national, regional and global health surveillance programmes so that data are comparable and can be analysed at the regional and international levels, as appropriate.

3. Parties recognize the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies. Each Party shall endeavour to:

- (a) establish progressively a national system for the epidemiological surveillance of tobacco consumption and related social, economic and health indicators;
- (b) cooperate with competent international and regional intergovernmental organizations and other bodies, including governmental and nongovernmental agencies, in regional and global tobacco surveillance and exchange of information on the indicators specified in paragraph 3(a) of this Article; and
- (c) cooperate with the World Health Organization in the development of general guidelines or procedures for defining the collection, analysis and dissemination of tobacco-related surveillance data.

4. The Parties shall, subject to national law, promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco, which is relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition. Each Party shall endeavour to:

- (a) progressively establish and maintain an updated database of laws and regulations on tobacco control and, as appropriate, information about their enforcement, as well as pertinent jurisprudence, and cooperate in the development of programmes for regional and global tobacco control;
- (b) progressively establish and maintain updated data from national surveillance programmes in accordance with paragraph 3(a) of this Article; and
- (c) cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on tobacco production, manufacture and the activities of the tobacco industry which have an impact on the Convention or national tobacco control activities.

5. Parties should cooperate in regional and international intergovernmental organizations and financial and development institutions of which they are members, to promote and encourage provision of technical and financial resources to the Secretariat to assist developing country Parties and Parties with economies in transition to meet their commitments on research, surveillance and exchange of information.

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- (ii) assisting, as appropriate, tobacco workers in the development of appropriate economically and legally viable alternative livelihoods in an economically viable manner; and
 - (iii) assisting, as appropriate, tobacco growers in shifting agricultural production to alternative crops in an economically viable manner;
- (c) support for appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12;
 - (d) provision, as appropriate, of the necessary material, equipment and supplies, as well as logistical support, for tobacco control strategies, plans and programmes;
 - (e) identification of methods for tobacco control, including comprehensive treatment of nicotine addiction; and
 - (f) promotion, as appropriate, of research to increase the affordability of comprehensive treatment of nicotine addiction.
2. The Conference of the Parties shall promote and facilitate transfer of technical, scientific and legal expertise and technology with the financial support secured in accordance with Article 26.

PART VIII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES

Article 23

Conference of the Parties

1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the World Health Organization not later than one year after the entry into force of this Convention. The Conference will determine the venue and timing of subsequent regular sessions at its first session.
2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one-third of the Parties.
3. The Conference of the Parties shall adopt by consensus its Rules of Procedure at its first session.
4. The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.
5. The Conference of the Parties shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation and may adopt protocols, annexes and amendments to the Convention, in accordance with Articles 28, 29 and 33. Towards this end, it shall:

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- (a) promote and facilitate the exchange of information pursuant to Articles 20 and 21;
 - (b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data, in addition to those provided for in Article 20, relevant to the implementation of the Convention;
 - (c) promote, as appropriate, the development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;
 - (d) consider reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;
 - (e) promote and facilitate the mobilization of financial resources for the implementation of the Convention in accordance with Article 26;
 - (f) establish such subsidiary bodies as are necessary to achieve the objective of the Convention;
 - (g) request, where appropriate, the services and cooperation of, and information provided by, competent and relevant organizations and bodies of the United Nations system and other international and regional intergovernmental organizations and nongovernmental organizations and bodies as a means of strengthening the implementation of the Convention; and
 - (h) consider other action, as appropriate, for the achievement of the objective of the Convention in the light of experience gained in its implementation.
6. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

Article 24 *Secretariat*

1. The Conference of the Parties shall designate a permanent secretariat and make arrangements for its functioning. The Conference of the Parties shall endeavour to do so at its first session.
2. Until such time as a permanent secretariat is designated and established, secretariat functions under this Convention shall be provided by the World Health Organization.
3. Secretariat functions shall be:
 - (a) to make arrangements for sessions of the Conference of the Parties and any subsidiary bodies and to provide them with services as required;
 - (b) to transmit reports received by it pursuant to the Convention;
 - (c) to provide support to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

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- (d) to prepare reports on its activities under the Convention under the guidance of the Conference of the Parties and submit them to the Conference of the Parties;
 - (e) to ensure, under the guidance of the Conference of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies;
 - (f) to enter, under the guidance of the Conference of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions; and
 - (g) to perform other secretariat functions specified by the Convention and by any of its protocols and such other functions as may be determined by the Conference of the Parties.

Article 25

Relations between the Conference of the Parties and intergovernmental organizations

In order to provide technical and financial cooperation for achieving the objective of this Convention, the Conference of the Parties may request the cooperation of competent international and regional intergovernmental organizations including financial and development institutions.

Article 26

Financial resources

1. The Parties recognize the important role that financial resources play in achieving the objective of this Convention.
2. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes.
3. Parties shall promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition. Accordingly, economically viable alternatives to tobacco production, including crop diversification should be addressed and supported in the context of nationally developed strategies of sustainable development.
4. Parties represented in relevant regional and international intergovernmental organizations, and financial and development institutions shall encourage these entities to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention, without limiting the rights of participation within these organizations.
5. The Parties agree that:
 - (a) to assist Parties in meeting their obligations under the Convention, all relevant potential and existing resources, financial, technical, or otherwise, both public and private that are available for tobacco control activities, should be mobilized and utilized for the benefit of all Parties, especially developing countries and countries with economies in transition;

(b) the Secretariat shall advise developing country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate the implementation of their obligations under the Convention;

(c) the Conference of the Parties in its first session shall review existing and potential sources and mechanisms of assistance based on a study conducted by the Secretariat and other relevant information, and consider their adequacy; and

(d) the results of this review shall be taken into account by the Conference of the Parties in determining the necessity to enhance existing mechanisms or to establish a voluntary global fund or other appropriate financial mechanisms to channel additional financial resources, as needed, to developing country Parties and Parties with economies in transition to assist them in meeting the objectives of the Convention.

PART IX: SETTLEMENT OF DISPUTES

Article 27

Settlement of disputes

1. In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation. Failure to reach agreement by good offices, mediation or conciliation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it.

2. When ratifying, accepting, approving, formally confirming or acceding to the Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by consensus by the Conference of the Parties.

3. The provisions of this Article shall apply with respect to any protocol as between the parties to the protocol, unless otherwise provided therein.

PART X: DEVELOPMENT OF THE CONVENTION

Article 28

Amendments to this Convention

1. Any Party may propose amendments to this Convention. Such amendments will be considered by the Conference of the Parties.

2. Amendments to the Convention shall be adopted by the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption. The Secretariat shall also

communicate proposed amendments to the signatories of the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to the Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote. Any adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 of this Article shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least two-thirds of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 29

Adoption and amendment of annexes to this Convention

1. Annexes to this Convention and amendments thereto shall be proposed, adopted and shall enter into force in accordance with the procedure set forth in Article 28.

2. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto.

3. Annexes shall be restricted to lists, forms and any other descriptive material relating to procedural, scientific, technical or administrative matters.

PART XI: FINAL PROVISIONS

Article 30

Reservations

No reservations may be made to this Convention.

Article 31

Withdrawal

1. At any time after two years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

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3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Article 32
Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 of this Article.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 33
Protocols

1. Any Party may propose protocols. Such proposals will be considered by the Conference of the Parties.
2. The Conference of the Parties may adopt protocols to this Convention. In adopting these protocols every effort shall be made to reach consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For the purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote.
3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption.
4. Only Parties to the Convention may be parties to a protocol.
5. Any protocol to the Convention shall be binding only on the parties to the protocol in question. Only Parties to a protocol may take decisions on matters exclusively relating to the protocol in question.
6. The requirements for entry into force of any protocol shall be established by that instrument.

Article 34
Signature

This Convention shall be open for signature by all Members of the World Health Organization and by any States that are not Members of the World Health Organization but are members of the United Nations and by regional economic integration organizations at the World Health Organization Headquarters in Geneva from 16 June 2003 to 22 June 2003, and thereafter at United Nations Headquarters in New York, from 30 June 2003 to 29 June 2004.

Article 35

Ratification, acceptance, approval, formal confirmation or accession

1. This Convention shall be subject to ratification, acceptance, approval or accession by States and to formal confirmation or accession by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.
2. Any regional economic integration organization which becomes a Party to the Convention without any of its Member States being a Party shall be bound by all the obligations under the Convention. In the case of those organizations, one or more of whose Member States is a Party to the Convention, the organization and its Member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under the Convention concurrently.
3. Regional economic integration organizations shall, in their instruments relating to formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 36

Entry into force

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.
2. For each State that ratifies, accepts or approves the Convention or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.
3. For each regional economic integration organization depositing an instrument of formal confirmation or an instrument of accession after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession.
4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of the organization.

Article 37

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and amendments thereto and of protocols and annexes adopted in accordance with Articles 28, 29 and 33.

Article 38
Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at GENEVA this twenty-first day of May two thousand and three.

= = =



World Health Organization

Updated status of the WHO Framework Convention on Tobacco Control

Not yet in force:

in accordance with article 36 which reads as follows: "1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary. 2. For each State that ratifies, accepts or approves the Convention or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession. 3. For each regional economic integration organization depositing an instrument of formal confirmation or an instrument of accession after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession. 4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of the organization."

Status:

Signatories: 47 ,Parties: 1.

Participant	Signature date	Ratification, Acceptance (A), Approval (AA), Formal confirmation (c), Accession (a)
Algeria	20 Jun 2003	
Bangladesh	16 Jun 2003	
Botswana	16 Jun 2003	
Brazil	16 Jun 2003	
Burundi	16 Jun 2003	
Canada	15 Jul 2003	
Costa Rica	3 July 2003	
Côte d'Ivoire	24 Jul 2003	
Czech Republic	16 Jun 2003	

Democratic People's Republic of Korea	17 Jun 2003	
Denmark	16 Jun 2003	
Egypt	17 Jun 2003	
European Community	16 Jun 2003	
Finland	16 Jun 2003	
France	16 Jun 2003	
Gambia	16 Jun 2003	
Ghana	20 Jun 2003	
Greece	16 Jun 2003	
Haiti	23 Jul 2003	
Hungary	16 Jun 2003	
Iceland	16 Jun 2003	
Iran (Islamic Republic of)	16 Jun 2003	
Israel	20 Jun 2003	
Italy	16 Jun 2003	
Kuwait	16 Jun 2003	
Luxembourg	16 Jun 2003	
Malta	16 Jun 2003	
Marshall Islands	16 Jun 2003	
Mauritius	17 Jun 2003	
Mongolia	16 Jun 2003	
Mozambique	18 Jun 2003	
Netherlands	16 Jun 2003	
New Zealand	16 Jun 2003	
Norway	16 Jun 2003	16 Jun 2003 AA

Palau	16 Jun 2003
Paraguay	16 Jun 2003
Qatar	17 Jun 2003
Republic of Korea	21 Jul 2003
Senegal	19 Jun 2003
South Africa	16 Jun 2003
Spain	16 Jun 2003
Sweden	16 Jun 2003
Syrian Arab Republic	11 Jul 2003
Thailand	20 Jun 2003
United Kingdom of Great Britain and Northern Ireland	16 Jun 2003
Uruguay	19 Jun 2003
Yemen	20 Jun 2003

Note:

The above Convention was adopted during the 56th World Health Assembly, which took place from 19 to 28 May 2003, at the Palais des Nations, Geneva. It was opened for signature by all Members of the World Health Organization, or Members of the United Nations, and by regional economic integration organizations from 16 June 2003 to 22 June 2003 at the World Health Organization Headquarters in Geneva, and remains open for signature at United Nations Headquarters in New York from 30 June 2003 to 29 June 2004.

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World Health Organization

Twenty-eight countries and the European Community sign tobacco treaty at first opportunity

States from Africa, Asia, Europe, Middle East, Oceania and South America represented

16 June 2003 | GENEVA -- A range of countries — both large and small, developing and industrialized — as well as the European Community today signed the Framework Convention on Tobacco Control (FCTC), the only global health treaty produced in several decades. The treaty opened for the first signatures at a ceremony held today at the Geneva headquarters of the World Health Organization.

"The desire of countries to sign the Convention on the first day is more proof of the solid political commitment to put an end to deaths resulting from tobacco use," said Dr Gro Harlem Brundtland, Director-General, World Health Organization. "I urge countries throughout the world to follow the example of those here today — to swiftly sign and then ratify this treaty. Let's keep the momentum going," she declared.

As soon as 40 countries ratify the Convention, it becomes law for those countries and thereafter, for other countries that ratify it. Today's signature does not yet bind countries to the treaty, but is an expression of political support and of good faith to abide by the principles it enshrines in the interim period until ratification.

Today's signatories, in the order that they signed, were: Bangladesh, Brazil, Burundi, Czech Republic, Denmark, Finland, France, Greece, the European Community, Botswana, Hungary, Iceland, Islamic Republic of Iran, Italy, Kuwait, Luxembourg, Malta, Marshall Islands, Mongolia, Netherlands, New Zealand, Norway, Palau, Paraguay, South Africa, Spain, Sweden, the United Kingdom and Gambia. The European Community signs as a regional economic integration organization. Its Member States that wish to do so will sign and ratify the treaty individually.

The treaty sets an international floor for tobacco control with provisions on advertising and sponsorship, tax and price increases, labelling, illicit trade and secondhand smoke. Countries and regional economic integration organizations are free to legislate at higher thresholds. Treaty signatories are under an obligation to refrain from acts that would defeat the object and purpose of the treaty. They have the right to receive notifications from the depositary, including information as to which countries have ratified the treaty.

In her message to the signing ceremony, Dr Brundtland said: "This treaty makes us accountable to the world. It also makes the world accountable to itself. We are racing against time that clocks 5 million tobacco deaths in the world every year."

Dr Brundtland has made global tobacco control a high priority during her five-year term as Director-General. Over four years, WHO Member States and the European Community worked through several drafts of the FCTC before arriving at a consensus document that was unanimously adopted at the World Health Assembly last month. The FCTC is the first international treaty ever to be negotiated by WHO,

the United Nations' principal health agency.

The Convention has been deposited with the Secretary-General of the United Nations and is open for signature this week (until 22 June) at the World Health Organization. From 30 June to 29 June 2004, it will be available for signature at UN headquarters in New York .

After ratification, the next stage is making the FCTC a reality on the ground. To accomplish this, WHO Member States will need to translate it into national laws and to set the technical foundations to implement the Convention. WHO released Tobacco Control Legislation: An Introductory Guide last week. This is one of a series of WHO materials produced to support countries in implementing the FCTC.

The FCTC is a global public health tool to fight a worldwide threat — it aims to protect national legislation from being circumvented by transnational phenomena, such as cross-border advertising and smuggling of tobacco products.

Photographs of the FCTC signing ceremony will be available [here](#)

A video news release will be distributed by Eurovision News Exchange. Please contact the WHO TV studio for details: Jean Marc Glinz +41 79 203 9644 or Danielle Suter +41 22 791 2584.

Countries who wish to make appointments to sign the FCTC this week in Geneva are kindly asked to contact and to submit full powers if required, to the WHO Office of the Legal Counsel, Geneva: Tel. +41 22 791 2638; Fax +41 22 791 4158.

More information about [WHO's tobacco control activities, including the FCTC](#)

[The Framework Convention on Tobacco Control is available in six languages](#)

Tobacco Control Legislation: An Introductory Guide may be obtained from Marketing and Dissemination, WHO, Tel. +41 22 791 2476; Fax: +41 22 791 4857; E-mail: bookorders@who.int.

For more information contact:

Melinda Henry
Telephone: +41 (22) 791 2535
Email: henrym@who.int

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Resolution 5

Sponsor: Senator Carlton Saffa

A Resolution to Oppose Unfair Restrictions Being Placed on Fayetteville Businesses

- Whereas, There is a direct correlation between certain entertainment-related businesses' revenues and their ability to make institutional decisions regarding a customer's right to smoke; and
- Whereas, Many students are employed in service related occupations within aforementioned places of business; and
- Whereas, A loss of revenue stemming from additional restrictions on smoking will negatively impact Fayetteville businesses and the students they employ; and
- Whereas, Business owners are entitled to administer his or her business in whatever manner he or she sees fit provided said manner is in compliance with higher laws; and
- Whereas, Fayetteville has long been considered the cultural center of Northwest Arkansas; and
- Whereas, Bars, restaurants, concerts, and other venues in which tobacco is traditionally consumed are considered the hallmarks of Fayetteville's cultural significance; and
- Whereas, An increase in smoking regulations will subsequently damage the cultural identity of the city of Fayetteville through detrimentally affecting hallmark businesses.

Be it therefore resolved: That the Associated Student Government formally opposes any new governmental restrictions placed on businesses regarding smoking.

Be it further resolved: That the appropriate agents within the Associated Student Government are hereby empowered to lobby the members of the Fayetteville City Council and/or other appropriate entities to prevent such restrictions from being enacted.

(c) 1986-1992 Munimetrix Systems Corp.

November 15, 1988

- 364.1 Bumpass, seconded by Martin, moved that the ordinance be tabled for two weeks. Upon roll call, the motion passed 7-0.

UNSIGHTLY PROPERTY

- 364.2 The Mayor introduced an ordinance ordering the abatement of unsightly conditions and the razing and removal of an unsafe structure at 515 Lytton Avenue.
- 364.3 City Attorney McCord read the ordinance for the first time. The Board left this item on the first reading.

UNSIGHTLY PROPERTY

- 364.4 The Mayor introduced an ordinance ordering the abatement of unsightly conditions and the razing and removal of an unsafe structure located on the west side of South School Avenue north of the Bypass.
- 364.5 City Attorney McCord read the ordinance for the first time. The Board left this item on the first reading.

NO-SMOKING ORDINANCE

- 364.6 The Mayor introduced the original no-smoking ordinance which was presented to the Board in September, 1987, and a second ordinance which was revised by the City Manager.
- 364.7 Dr. Richard Back, clinical psychologist, 1706 Joyce Street, addressed the Board as president of the Northwest Arkansas Chapter of Arkansans for Non-Smokers' Rights speaking in favor of the original ordinance (8.01-8.02). He urged passage of the ordinance which "would provide for the increased comfort and safety of 70% of your constituents." He noted that his organization had presented the Board a petition containing 400 signatures in favor of passage of the ordinance.
- 364.8 Director Martin questioned, if 70% of the public are non-smokers, why do they not go directly to the restaurateurs with their request for a smoke-free eating environment. Dr. Back said that, from personal experience in speaking with restaurant owners, the main reaction has been one of stonewalling, although some have been receptive and changed their policies in the last year. Director Kelley asked what these restaurant owners had changed their policies to. Dr. Back stated these restaurants now have non-smoking areas.

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Director Marinoni questioned whether air conditioners had any effect in taking the smoke from the smoking areas and putting it in the non-smoking areas as well. Dr. Back stated research indicates that a special ventilation system would be needed in the smoking area to keep the smoke from merely being moved through the air conditioning system from one place to another. Dr. Back noted that he felt they were offering a compromise in asking for physical barriers between smoking and non-smoking areas rather than asking the restaurant owners to go to the expense of installing a special ventilation system. 365.1

Director Bumpass asked how many restaurants Dr. Back had contacted in reference to providing non-smoking areas. Dr. Back said "informally" he had contacted approximately 10 in the past year and only two of those had made any change in providing for a non-smoking area. He further noted a general survey performed by the National Organization for Non-Smokers' Rights which indicated that, in areas where non-smoking ordinances or government laws were not put into effect, there was no significant increase in the percentage of restaurants providing non-smoking areas. 365.2

Director Martin inquired whether a "partial barrier" would be acceptable between smoking and non-smoking areas. Dr. Back answered that "a curtain. . .or a wall half-way to the ceiling" would not be an adequate physical barrier. 365.3

Director Kelley questioned whether, under ordinance 8.01-8.02, small restaurants which have only one room and seat over 20 people and do not wish to segregate a separate room are left with only the alternative of having a totally non-smoking establishment. Dr. Back concurred and noted there will be no construction costs to restaurants who establish a non-smoking policy. He further stated he felt it would not affect their business any more than it did the movie theaters when they enacted a non-smoking policy. 365.4

Wayne Dyer, owner of the Hushpuppy Restaurant, addressed the Board speaking against the non-smoking ordinance. He stated that he has a non-smoking area in his restaurant "most of the time" but that sometimes it is "between difficult and impossible" to provide this service due to a rotation system he uses for parties, etc. He said he feels a "voluntary policy is much better than a mandated policy." He further stated that this ordinance has one purpose which is for a "mandatory non-smoking area" whether with a physical barrier or without. He noted there would be a financial burden as well as creating enforcement problems in complying with either of these ordinances. He asked that he be allowed to set the policies in his restaurant and urged the Board to reject the ordinance. 365.5

Director Martin asked whether passage of the ordinance would remove the enforcement responsibility from the restaurant owner. 365.6

November 15, 1988

- 366.1 Mr. Dyer answered it would remove "part" of the enforcement responsibility.
- 366.2 Mr. Dyer stated that where customer preference is concerned, he gets approximately the same amount of requests for seating in the smoking area as for requests for seating in the non-smoking area.
- 366.3 Director Lancaster asked if banning smoking completely in all restaurants city-wide would eliminate the restaurant owners' enforcement problems. Mr. Dyer answered affirmatively.
- 366.4 Dr. Earl Riddick, 57 Colt Square, addressed the Board in favor of the non-smoking ordinance "from a health standpoint". He noted that smoking causes 30% of the cancer suffered in the United States. He noted the Surgeon General's 1986 report which reflects that the risk of lung cancer is increased by "passive" or "side-stream" smoke. He stated that smoking "is no longer a matter of personal choice and individual freedom" due to its impact on the health of non-smokers. He further stated "the societal issue here is freedom from exposure" to tobacco smoke.
- 366.5 Coy Kaylor, Coy's Place restaurant, 2908 N College, addressed the Board in opposition to the ordinance and noted that "taverns" have been excluded from the ordinance. He also pointed out that the lobby of his restaurant is a tobacco shop which is exempted in the ordinances and asked how that situation would be handled. He stated that his understanding of the ordinance was if someone violates the ordinance by smoking in a non-smoking area of his restaurant, he as the owner, would be fined.
- 366.6 Dr. Bob Burlingame, a local psychiatrist, read a letter from the Washington County Medical Society's Executive Committee in support of the proposed non-smoking ordinance. The letter indicated that the "American Medical Association as well as the Arkansas State Medical Society are both on record opposing smoke in public places where non-smokers cannot be protected." He noted that the "area hospitals" have established a policy of setting time schedules for smoking in hospitals. He further noted that this policy should be enacted by 1989.
- 366.7 Wilbur Watson, a citizen, addressed the Board speaking in support of the ordinance.
- 366.8 Dave Bassett, B & B Barbecue, spoke in opposition to the ordinance.
- 366.9 In answer to a question from Director Lancaster, City Attorney McCord explained that, if a person is caught violating the ordinance, the violator is held responsible, not the restaurant owner. Pennington pointed out that a police officer would have to witness the violator "in the act" before he could issue a

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citation. McCord further stated it is the owner's responsibility to post the no-smoking signs as provided by the ordinance, not to enforce the ordinance. 367.1

Hess questioned the difference between ordinance 8.01-8.02 and ordinance 8.32-8.33. McCord stated he was concerned the original definition of "smoking" in ordinance 8.01-8.02 was "over broad" so he narrowed it to include the typical smoking materials, i.e. cigars, cigarettes and pipes. He stated that the second change was to incorporate language which would require the separate non-smoking area reduce ambient smoke to the extent possible from non-smoking patrons, to utilize existing barriers and ventilation systems to the greatest extent possible to minimize smoke in adjacent non-smoking areas, but not to require construction of new physical barriers and ventilation systems. He noted the second change was "in accordance with case law" which indicates that "an anti-smoking ordinance must serve to reduce smoking levels to non-smoking areas." He stated if the ordinance does not serve that purpose, it will be "struck down". In answer to a question from Hess, McCord said a non-smoking area placed in the center of a smoking area or a partial physical barrier would not serve the purpose of the ordinance. 367.2

McCord pointed out to the Board that both ordinances being presented tonight are for discussion purposes only and may be amended, adopted, or rejected as the Board sees fit. 367.3

Director Kelley questioned whether a restaurant owner has the ability to designate his whole establishment as a smoking area. McCord answered, if there is a seating capacity of less than 20 patrons, yes. If the seating capacity is over 20, McCord stated, there must be designated smoking and non-smoking areas under both ordinances. Marinoni clarified that a restaurant could declare itself entirely "smokeless", but they could not declare itself a "smoking" restaurant. McCord concurred. 367.4

Hess stated he felt that the changes in section 2(a) of ordinance 8.32 (changed from an "enclosed area" to a "designated area") substantially "watered down" the entire ordinance. 367.5

Director Martin questioned whether it is clear that this ordinance can be enforced in the other areas mentioned such as grocery stores, etc. Pennington answered affirmatively noting that in many states, smoking in grocery stores, drug stores, etc. is against the fire code. 367.6

Director Bumpass noted that City Manager Pennington has enacted a policy of no-smoking in public buildings. He went on to suggest possible alternatives to passing a no-smoking ordinance including (1) passage of a resolution encouraging voluntary use of segregated smoking and non-smoking areas, (2) an award program 367.7

November 15, 1988

- 368.1 could be initiated to recognize such voluntary efforts or (3) tax money could be allocated for a non-smoking advertising campaign. He stated he felt one of these programs might be more appropriate than making it "illegal" to smoke in restaurants.
- 368.2 Jim Reeve, Razorback Pizza, addressed the Board in opposition to the ordinance.
- 368.3 Director Kelley stated that, at this point, he is leaning more toward the original ordinance (8.01-8.02) but felt he needed more input from the public as well as time to do more research on his own.
- 368.4 McCord questioned whether the Board wanted either ordinance read for the first time tonight.
- 368.5 Director Hess suggested that if either ordinance is passed, a "phase-in period" might be considered during which time the affected parties could get feed-back concerning the size the smoking and non-smoking areas should be, etc.
- 368.6 After further discussion, the Board agreed to discuss this issue further at the November 30th Board Agenda Session and then place it on the agenda for discussion at the December 6th Board Meeting.

*On Agenda 2nd Meeting in December.
12/20/88 Not 12/06/88.*

EPA FINE

- 368.7 The Mayor introduced a request for approval to pay a \$10,000 fine levied by the Environmental Protection Agency for the City's failure to report a May, 1988 bypass of untreated wastewater from the collection system into Mud Creek.
- 368.8 Director Kelley, seconded by Martin, moved payment of the EPA fine. Upon roll call, the motion passed 7-0.

OTHER BUSINESS

HEARING RESET

- 368.9 Mayor Johnson stated there is a conflict with the November 21st date set for the public hearing on the cable television franchise. The public hearing was rescheduled for November 28, 1988 at 7:30 p.m. at the Center for Continuing Education. City Attorney McCord noted that the Ad-hoc Cable Television Franchise Committee would be there to answer any questions.

December 20, 1988

MICROFILMED

RESOLUTION NO. 95-88

A RESOLUTION ENCOURAGING THE PRIVATE SECTOR TO VOLUNTARILY ADOPT A POLICY TO RESTRICT SMOKING IN PUBLIC PLACES TO DESIGNATED AREAS.

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers; and

WHEREAS, said studies, and other reliable studies, have shown that breathing second-hand smoke is a significant health hazard for elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function; and

WHEREAS, health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and brochospasm; and

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business; and

WHEREAS, the purpose of this resolution is to promote the public health, safety and welfare by encouraging voluntary restrictions on smoking in public places.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. The Board of Directors hereby encourages the private sector to voluntarily adopt the following policy to regulate smoking in certain places:

(a) Definitions.

- (1) "Places of public assembly" means any structure maintained for or used by the public to gather together into a group.



- (2) "Smoking" means the lighting, holding, or carrying of, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.
- (b) Smoking in designated places only. A person shall smoke in the following public places only in designated smoking areas which reduce the exposure of non-smokers to second-hand smoke:
- (1) Retail eating establishments, taverns and private clubs with a seating capacity of more than 20 patrons;
 - (2) Retail grocery and convenience stores;
 - (3) The enclosed walk-ways in malls or shopping centers;
 - (4) Beauty and barber shops;
 - (5) Public transportation terminals;
 - (6) Drug stores;
 - (7) Laundromats and dry-cleaners;
 - (8) Clothing stores or the clothing section of department stores;
 - (9) Places of public assembly;
 - (10) All public schools;
 - (11) The University of Arkansas, all fraternities and sororities;
 - (12) Law offices, courthouses and office buildings;
 - (13) Banks, savings and loan associations, investment banking and brokerage houses; and
 - (14) Hospitals, physician offices, physical and mental health centers and related service centers.
- (c) In areas where smoking is designated, existing physical barriers and ventilation systems shall be used to the greatest extent possible to minimize the smoke in adjacent non-smoking areas.

(d) Signs to be posted.

The owner or other person having the authority to manage and control any place enumerated in paragraph (b) above shall post or cause to be posted and prominently displayed, and shall maintain, "No-Smoking Area" and "Designated Smoking Area" signs in conspicuous locations within such areas. Such signs shall be of sufficient size, number, and location to convey the message clearly and legibly and shall also include the international no-smoking symbol.

PASSED AND APPROVED this 20th day of December, 198⁸.

APPROVED

By: Marilyn Johnson
Mayor

ATTEST

By: Gerrard C. McWexley
City Clerk



December 20, 1988

SMOKING REGULATED

- 410.1 The Mayor introduced consideration of an ordinance to regulate smoking in certain places in Fayetteville; deferred from a November 15, 1988 meeting.
- 410.2 The Mayor explained that in July of 1987 Arkansans for Nonsmokers' Rights proposed an ordinance to the City Board, the staff reviewed it and compared it with ordinances from other cities, and studied what impact it would have on proprietors of retail eating establishments.
- 410.3 She said on November 15, 1988 a revised ordinance was proposed by the City Manager and since that time further revisions have been made. She said at the last agenda meeting the citizens' group proposed an addition to the ordinance.
- 410.4 At the request of the Mayor, the City Attorney read the City Manager's proposed ordinance for the first time.
- 410.5 Director Martin moved that Section 1, subsection (c) be amended to include the following: "Within two (2) years, all non-smoking areas must be completely separated from the smoking area by a physical barrier." The Mayor noted that this was the addition proposed by Arkansans for Nonsmokers' Rights. There was no second to the motion.
- 410.6 Director Bumpass moved to amend Section 1, subsection (b)(1) to include taverns and private clubs; subsection (b)(2) to include convenience stores; subsection (b) be amended to add "(10) all public schools; (11) the University of Arkansas, all fraternities and sororities; (12) law offices, courthouses and office buildings; (13) banks, savings and loan associations, investment banking and brokerage houses; and (14) hospitals, physicians offices, physical and mental health centers and related services. The Mayor said that smoking inside of public schools is already prohibited by State law. There was no second to the motion.
- 410.7 Director Marinoni moved to amend Section 1, subsection (c) to state that restrooms do not qualify as smoking areas. Marinoni said restrooms were small confined areas and adding another purpose to them would double the capacity of people using those facilities, nonsmokers using restrooms would be subjected to smoke, and proprietors may decide to use the restrooms as designated non-smoking areas. The motion was seconded by Martin. McCord advised that the requirement to post signs may address that problem. Upon roll call, the motion passed, 5-1, Johnson voting in the minority.
- 410.8 Director Bumpass moved to include hospitals, physicians offices, physical and mental health clinics and related services in Section 1, subsection (b). Bumpass said Dr. Philip Duncan, on behalf of the Lung Association, had requested the inclusion of hospitals. The motion was seconded by Marinoni.
- 410.9 Director Kelley said hospitals had indicated a desire to voluntarily do something, that private business owners had contacted him stating they would be willing to "work with the other side, yet they don't want it legislated to them.

December 20, 1988

Kelley said he would support a resolution to encourage everyone that this is a potential ordinance for some point in the future, perhaps in six months. Kelley said the Chamber of Commerce was particularly concerned about the economic impact. Kelley said the resolution he would support could be sent to everyone mentioned by Director Bumpass in his motion, that the City strongly encourages everyone to follow the intent of the proposed ordinance for the next six months, at which time the ordinance could be evaluated again.

411.1

Director Lancaster said he thought both sides could get together, but couldn't support a mandate that within two years all non-smoking areas must be completely separated from smoking areas.

411.2

McCord advised that the ordinance would stay on its first reading at this meeting, unless there is a motion to suspend the rules which passes by a 2/3 vote. He advised that, if Director Kelley wished to delay action on the ordinance for six months, and have a resolution adopted, the appropriate procedure would be a motion to table for six months, followed by a motion for approval of a resolution.

411.3

It was moved by Director Kelley to table the ordinance for six months. There was no second to the motion.

411.4

The Mayor asked if there was any public comment on Director Bumpass' motion.

411.5

Dr. Phillip Duncan addressed the Board, stating he was representing the American Lung Association of Arkansas as one of their Board members. Duncan said at the time of the Surgeon General's first report which detailed the risks of cigarette smoking, there were over 50% of adult American smokers. Duncan said at present 28% were smoking and the number is steadily going down, so that the number of American adults who do not smoke is 72%. He said the lung association sponsors and favors any proposals which would restrict smoking in public places. He said the nation's health organizations operate on a "literal shoestring" compared to the \$4 billion spent by cigarette companies each year on advertising, most of which is directed towards youth. He said he would strongly support Bumpass' amendment. He said the lung association has supported many proposals nationwide which are showing some success, and cities are coming together to try to address the health hazards. He said the private community was way ahead and many businesses in Fayetteville have already taken steps so smoking is not allowed in the workplace. He said in the next few months a number of institutions in this area will be restricting smoking. He said in February there would be a major conference in Fayetteville on smoking in the workplace. He said cigarette smoking was irritating, annoying, and unpleasant to the majority of American adults, but people smoke because they are addicted to nicotine and satisfying a habit. He said the lung association would support any proposals or resolutions that might protect the rights of non-smokers.

411.6

Robert Anderson, Fayetteville resident, addressed the Board. He said he had smoked for 53 years and enjoyed it. He said Arkansas smokers paid \$10,596,957 in State and federal taxes on cigarettes as of August of this year. He said he thought places of business ought to be able to run their business the way they

411.7

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- 412.1 see fit. He said if people can't smoke in hospitals, they will go out of town to to another hospital, and if they can't smoke in local restaurants, they will go other places. He said if people can't smoke in convenience stores, the stores shouldn't be permitted to sell cigarettes.
- 412.2 Jerry Jackson addressed the Board, stating he was representing a local restaurant. He said he didn't smoke and hated the smell of it. He asked if the ordinance proposed was based on research from other cities. The City Manager said although the ordinance was based on such research, it is much milder than ordinances from other cities. Jackson said he thought it would be more appropriate if citizens could see some documentation of the research which was gathered.
- 412.3 Wayne Dyer, owner of the Hush Puppy Restaurant, addressed the Board. He said he spoke for his restaurant and for some members of the hospitality industry. He read a resolution from the Northwest Chapter of the Arkansas Hospitality Association as follows:
- 412.4 WHEREAS: The northwest chapter of the Arkansas Hospitality Association serves as the private sector organization for food service, lodging and travel oriented operators in Washington and Benton counties and,
- 412.5 WHEREAS: Individually and collectively, operators within the hospitality industry have millions of dollars invested in land, buildings, equipment and supplies, and
- 412.6 WHEREAS: The adoption of an ordinance mandating smoking restrictions in restaurants would be viewed as further government interference in the operator's right to set his or her own policies regarding smoking and non-smoking areas, and
- 412.7 WHEREAS: Mandated non-smoking restrictions in the City of Fayetteville could, and in the opinion of the Northwest Chapter of the Arkansas Hospitality Association, surely would, cause a significant number of would be customers to patronize foodservice establishments in nearby cities and towns where no mandated smoking restrictions apply, and
- 412.8 WHEREAS: There is every indication that in recent years, an increasing number of restaurants have voluntarily offered patrons a choice of smoking or non-smoking sections, and,
- 412.9 WHEREAS: Voluntarily compliance with smoking and non-smoking policies have become increasingly acceptable to patrons,
- 412.10 THEN BE IT THEREFORE RESOLVED that the Northwest Chapter of the Arkansas Hospitality Association vigorously oppose any ordinance placing mandatory restrictions on the individual operators's right to establish and maintain policies regarding smoking and non-smoking areas in foodservice establishments located in the city of Fayetteville, and

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Be it further resolved by the Northwest Chapter that while no conclusive evidence has been provided to demonstrate a real need for mandatory smoking restrictions in foodservice operations located within the City of Fayetteville, representatives of this organization will be available to develop a productive line of communications with those citizens who seek to have a smoke-free area in our city's dining establishments.

413.1

Signed:

Submitted by:

413.2

Dale R. Dunn
President
Northwest Chapter
Arkansas Hospitality Association

Wayne Dyer

Dyer said he wanted to bring to the City's attention that the Fayetteville Advertising and Promotion Commission, at its last meeting, went on record as being against the ordinance because of its negative impact on the hospitality industry, and urge cooperation instead of legislation. Dyer said his basic point had to do with government intervention in his right to run his business. He said the hospitality industry was very important to the tax base of Fayetteville and collected over \$450,000 in HMR taxes in 1987 and in 1988 has collected over \$388,000 through the first ten months. He said "you would think that this would lead to cooperation between the City Board and private enterprise." Dyer said he would like a resolution from the Board instead of an ordinance.

413.3

Penny Riley addressed the Board, stating she had conducted the original survey of Fayetteville restaurants and has updated it. She said since March of 1986 when the original survey was conducted, there are five additional restaurants providing smoking and non-smoking areas that didn't before, but two restaurants which formerly provided those areas no longer do so. Riley said voluntary compliance at this rate will take over ten years to get all the restaurants to provide the smoking and non-smoking areas. Riley said 6,914 seats are available in the restaurants included in the survey and only 10% of those are designated as non-smoking while 72% of the population do not smoke. Riley said she really didn't think voluntary compliance would work.

413.4

Dan Coody addressed the Board, stating he had asked several restaurants why they do not have non-smoking areas and has been told that "we'd like to but we're waiting on the City to pass an ordinance so the customers won't get mad at us." Coody said the Old Post Office did a survey last summer, passing out 250 questionnaires with two questions - "Do you smoke cigarettes?" and "Would you prefer to see a segregated, non-smoking, smoking only, designated area?" Coody said 239 responded that they did want designated areas. He said he asked the management six months ago and they told him they would make one room a non-smoking area. Coody said that hasn't happened. Coody said voluntary compliance wouldn't work, and it was time to pass an ordinance and pass it quickly.

413.5

Gary Williams addressed the Board, stating he was the co-owner of a hair salon off the Square. He said his business was small and "if I start telling my people that they have to stand on the street with perm rods in their hair after a

413.6

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- 414.1 chemical service that has lasted two hours, they're going to go somewhere else." Williams encouraged the Board to remember that the small businessmen bring revenues into the City and the far-reaching effects of the ordinance will be devastating to them. He said a hair salon was not like a restaurant where you can designate a percentage of space. He said it was just not right to tell people what their personal choices can and cannot be.
- 414.2 Johnny Wilkinson, owner of the hair salon, "Mr. Toad and Company" and L. C. Swovert, owner of a barbershop, spoke in opposition to the ordinance.
- 414.3 Upon roll call, Bumpass' motion to amend the ordinance passed, 6-0.
- 414.4 Director Bumpass said he could make an argument for adding other public places to the ordinance but wondered if Director Kelley's suggestion of a resolution would be supported by the Board.
- 414.5 Bumpass introduced the following resolution:
- 414.6 A RESOLUTION TO ENCOURAGE RESTRICTIONS IN SMOKING TO DESIGNATED AREAS ONLY IN PUBLIC PLACES.
- 414.7 WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers; and
- 414.8 WHEREAS, said studies, and other reliable studies, have shown that breathing second-hand smoke is a significant health hazard for elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function; and
- 414.9 WHEREAS, health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and bronchospasm; and
- 414.10 WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions; and
- 414.11 WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business; and
- 414.12 WHEREAS, the purpose of this resolution is to encourage the public health, safety and welfare by permitting smoking in designated smoking areas in public places.
- 414.13 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS, THAT:

December 20, 1988

Section 1.

- (a) Definitions. 415.1
- (1) "Places of public assembly" means any structure maintained for or used by the public to gather together into a group. 415.2
- (2) "Smoking" means the lighting, holding, or carrying of, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind. 415.3
- (b) Smoking is encouraged in designated places only. A person shall be encouraged to smoke in the following public places in designated smoking areas in a manner which will reduce the exposure of non-smokers to second-hand smoke: 415.4
- (1) Retail eating establishments, taverns and private clubs with a seating capacity of more than 20 patrons; 415.5
- (2) Retail grocery and convenience stores; 415.6
- (3) The enclosed walk-ways in malls or shopping centers; 415.7
- (4) Beauty and barber shops; 415.8
- (5) Public transportation terminals; 415.9
- (6) Drug stores; 415.10
- (7) Laundromats and dry-cleaners; 415.11
- (8) Clothing stores or the clothing section of department stores; 415.12
- (9) Places of public assembly; 415.13
- (10) All public schools; 415.14
- (11) The University of Arkansas, all fraternities and sororities; 415.15
- (12) Law offices, courthouses and office buildings; 415.16
- (13) Banks, savings and loan associations, investment banking and brokerage houses; and 415.17
- (14) Hospitals, physician offices, physical and mental health centers and related services. 415.18
- (c) In areas where smoking is designated, existing physical barriers and ventilation systems shall be used to the greatest extent possible to minimize the smoke in adjacent non-smoking areas. 415.19

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416.1 (d) Signs to be posted.

416.2 The owner or other person having the authority to manage and control any place enumerated in paragraph (b) above shall post or cause to be posted and prominently displayed, and shall maintain, "No-Smoking Area" and "Designated Smoking Area" signs in conspicuous locations within such areas. Such signs shall be of sufficient size, number, and location to convey the message clearly and legibly and shall also include the international no-smoking symbol.

416.3 The City Attorney advised that, because this is a resolution, it would encourage businesses to take these steps and would not have the force and effect of law as an ordinance would.

416.4 Bumpass said he thought the six-month period might be a good idea. He said, if the resolution is passed, in order to get encouragement, the City staff should also send a copy of the resolution to every business from which we collect sales tax and identify other public areas, and spend the money it will take to get the message out, and then do a follow-up to the survey which was presented.

416.5 The resolution was so moved by Bumpass and seconded by Marinoni.

416.6 Johnson said she did not think a beauty shop was a "place of public assembly." Bumpass said a beauty shop and all other businesses listed in the resolution would be "public use units" rather than "places of public assembly" and he didn't object to making that change. He pointed out that the resolution was simply a recommendation and didn't have the full force of law.

416.7 Director Martin said it would have been preferable if the private sector could handle this, but evidence seems to indicate there may be a reluctance to move until the City Board moves, so the Board may be more of the problem than the solution. He said it was proposed at the last agenda meeting that the ordinance be read once tonight, left on first reading for two weeks, then read again, during which time the Board could receive comments. Martin said, if it can be worked out voluntarily, that would be great, but he couldn't support "doing nothing." He said he didn't think the resolution was going to work.

416.8 Lancaster said the reason he was going to vote for the resolution was that he thought within six months, if something hasn't settled, the people involved are going to be back before the Board.

416.9 Upon roll call, the motion passed, 5-1, Martin voting in the minority.

RESOLUTION NO. 95-88 APPEARS ON PAGE _____ OF ORDINANCE AND RESOLUTION BOOK

416.10 McCord advised the ordinance was left on first reading and would be placed on the next agenda.

'91 JUL 11 AM 8 29

439

WASHINGTON CO AR
A. KOLLMEYERORDINANCE NO. 3556AN ORDINANCE PROHIBITING SMOKING WITHIN THE
FAYETTEVILLE MUNICIPAL AIRPORT TERMINAL.BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF
FAYETTEVILLE, ARKANSAS:

Section 1. It shall be unlawful for any person to smoke or carry any lighted cigarette, cigar, or pipe within the Fayetteville Municipal Airport Terminal.

Section 2. The Board of Directors hereby determines that the immediate prohibition is essential to the public health, safety and welfare. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

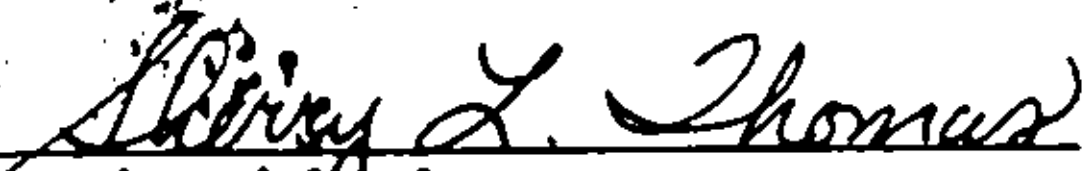
PASSED AND APPROVED this 2nd day of July, 1991.

APPROVED:

By: 

Mayor

ATTEST:

By: 

City Clerk

July 2, 1991

REZONE I

Mayor Vorsanger introduced an ordinance rezoning property as requested in Rezoning Petition No. R91-11 consisting of 3.64 acres located on the east side of University Avenue west of Gregg Avenue and south of Dickson Street from R-3, High Density Residential, to I-1, Light Industrial and Heavy Commercial, as requested by Bob Waldren for SWEPCO.

City Manager Scott Linebaugh explained that SWEPCO was selling a portion of property containing an electrical station and reported that Staff recommends approving the rezoning.

John Merrell, Planning Management Director, reported the Planning Commission voted unanimously to recommend rezoning, and there was no neighborhood opposition.

The ordinance was read for the first time. Blackston, seconded by Green, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 5 to 0. The ordinance was read for the second time. Blackston, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion was passed by a vote of 5 to 0. The ordinance was read for the third and final time.

Upon roll call, the motion passed by a vote of 5 to 0.

ORDINANCE 3555 APPEARS ON PAGE 43/ OF ORDINANCE AND RESOLUTION BOOK
XXV

NON-SMOKING AIRPORT TERMINAL

Mayor Vorsanger introduced an ordinance designating the terminal at the Fayetteville Municipal Airport as non-smoking.

The ordinance was read for the first time. Blackston, seconded by Green, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 5 to 0. The ordinance was read for the second time. Blackston, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion was passed by a vote of 5 to 0. The ordinance was read for the third and final time.

Director Coody requested that the Board consider a general "Smoking Ordinance" for Fayetteville.

Mayor Vorsanger suggested that the Airport needed benches and smoking receptacles outside the building.

July 2, 1991

Director Green added his support for this ordinance and for all City related buildings to be designated "non-smoking".

Upon roll call, the motion passed by a vote of 5 to 0.

ORDINANCE 3556 APPEARS ON PAGE 439 OF ORDINANCE AND RESOLUTION BOOK XXV

COMPUTER HARDWARE AND SOFTWARE PURCHASE

Mayor Vorsanger introduced a resolution approving the purchase of an IBM AS/400 Model D50 computer system from IBM Corporation in the amount of \$360,132.00, application software and software maintenance from New World Systems at a cost of \$179,391.00, and approval of a budget adjustment in the amount of \$216,933.00 to facilitate the purchase in the current year.

City Manager Linebaugh reported that Staff recommends approving the purchase of the computer, software, and the budget adjustment. The budget adjustment will reallocate monies from 1992, 1993, and 1994 to facilitate the purchase and will save approximately \$59,067 by purchasing the computer and software rather than leasing the equipment.

Blackston, seconded by Coody, made a motion to approve the resolution.

Director of Administrative Services Kevin Crosson announced that there were representatives of IBM and New World Systems present to answer questions.

Director Spivey commented that the City had nearly reached capacity on their current system and it is a necessary expenditure in order to keep up with the growth of the City. Spivey explained that this particular IBM AS/400 was on the front end of its life cycle and could support and grow with the City for between 5 and 10 years.

Director Blackston stated his support of the Staff's recommendation as they had put a great deal of time into studying this system and it has the capacity to expand with the City's growth.

Upon roll call, the resolution passed by a vote of 5 to 0.

RESOLUTION 127-91 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

WATER FEES

Mayor Vorsanger introduced a resolution approving a "pass through" fee of 15 cents per month to water customers to comply with the Federal Safe Drinking Water Act (Act 1053) which goes into effect on July 1, 1991.

MICROFILMED

RESOLUTION NO. 206-91

A RESOLUTION ADOPTING THE CITY OF
FAYETTEVILLE'S SMOKING POLICY FOR ALL CITY
OWNED BUILDINGS/FACILITIES AND VEHICLES WHICH
PROHIBITS SOMKING EXCEPT IN DESIGNATED
SPECIFIC SMOKING AREAS.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF
FAYETTEVILLE, ARKANSAS:

Section 1. That the Board of Directors hereby adopt the
City of Fayetteville's smoking policy for all city owned
buildings/facilities and vehicles except in designated specific
smoking areas. A copy of the said policy authorized for execution
is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the aforementioned policy shall be in full
force and effect from and after 90 days from the passage hereof.

PASSED AND APPROVED this 5th day of November, 1991.

APPROVED:

By: Fred S. Mosinger
Mayor

ATTEST:

By: Sherry L. Thomas
City Clerk



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not make an application for this program, then they will not be entitled to any funds collected elsewhere.

Upon roll call, the motion passed by a vote of 6 to 0.

ORDINANCE 3577 APPEARS ON PAGE 56 OF ORDINANCE AND RESOLUTION BOOK XXVI

AIRPORT MASTER PLAN UPDATE

Mayor Vorsanger introduced a resolution approving the final draft of the Master Plan Update.

The Airport Board approved the plan at their October 3rd meeting. A public presentation of the plan was done in April, and no negative comments were received. Copies of the plan were provided to the City Board and Airport Board, and a copy is available for inspection in the City Clerk's office.

City Manager Linebaugh further stated that the plan has two parts - one if there is a regional airport and one if there isn't a regional airport.

Green, seconded by Blackston, made a motion to approve the resolution. Upon roll call, the resolution passed by a vote of 6 to 0.

RESOLUTION 208-91 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

SMOKING POLICY

Mayor Vorsanger introduced a resolution adopting a "No-Smoking" Policy for all City owned facilities.

City Manager Linebaugh stated that Staff recommends prohibiting smoking in City buildings, facilities, and vehicles whenever these areas are designated "No Smoking" areas, and allowing each department director to designate specific smoking areas. From the 343 of the 426 surveys returned, 61.5% of the employees responded to the survey stating they felt there should be designated smoking areas.

Linebaugh further explained that there were two proposed policies: Policy "A" the smoking policy which would allow each building to decide on a smoking policy and designated smoking area, and Policy "B" the non-smoking policy, which totally prohibits smoking.

Henry, seconded by Blackston, made a motion to adopt resolution "A".

Director Coody stated his support for designated smoking areas.

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Director Henry stated her concern that taxpayers should not be asked to subsidize programs for employees who desire to stop smoking if the City adopts Exhibit "A". In the alternative, she suggested that the City provide incentives to those employees who desire to quit smoking, such as providing a lower insurance premium to non-smokers.

Crosson stated that Staff recommendation was that if the Board chooses to go with total prohibition of smoking in City buildings, that they fund stop smoking programs at \$60 per employee. Crosson further stated that they would generally provide a Safety Program at no cost, into which stop smoking programs were incorporated. Mayor Vorsanger inquired as to the absence of a chewing/dipping tobacco policy included in the Exhibit "A" policy and requested that this be added to Policy "A".

City Manager Linebaugh stated that Staff would have no objection to changing the name of the policy to "tobacco use" policy.

Director Coody explained that department directors can designate smoking areas, and if the majority of the employees find that the smoking area isn't performing adequately, then they can vote to have a non-smoking facility.

Director Nash asked if Exhibit "A" would apply to the Airport and provide a indoor smoking area, to which Linebaugh responded that they can make their own rules.

Director Green stated that this Airport policy is now unclear since the Airport had been previously denoted as a non-smoking facility. Green stated that the Board may be getting themselves into a complicated process in trying to keep designated smoking areas from contaminating other areas. Air systems designed to keep return air separated are extremely expensive and complicated, and the airport is an example of a building with a central air handling unit. Green further explained that not all the buildings will be suitable for a designated smoking area, and the City should not have to pay for modifying air systems in the buildings to accommodate the segregated smoking areas from non-smoking areas, and Green believes that this will eventually lead to totally smoke free buildings.

Director Blackston stated that he agrees with Plan "A" as a compromise, but agreed with Director Green that it will be difficult if not impossible to segregate smokers from non-smokers.

Director Green stated that this could become an administrative nightmare in trying to police and enforce this policy and solve disputes between smokers and non-smokers. In view of that and from a practical standpoint, Green suggested that the Board adopt a "No Smoking" policy in any City buildings at this time. Green also

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offered an alternative to try Plan "A" on a three month trial basis to evaluate whether this is a workable solution.

Green, seconded by Coody, made a motion to amend Plan "A" to be tried on a three month trial basis.

Director Coody reported on a City employee suggestion that the City should set a target date of six months to achieve a smoke-free environment with the use of smoking cessation programs.

Director Henry stated that Plan "A" is indirectly allowing the employees in the various departments to work out their own policy.

Upon roll call, the motion to amend Plan "A" to be a three-month trial failed 3 to 3, with Directors Vorsanger, Blackston, and Henry voting no.

Charles Moorman addressed the Board in agreement with Director Henry that each department will work out their own policies, and therefore, he supports the proposed Plan "A".

Upon roll call, the resolution to regulate smoking as set out in Exhibit "A", including a reference to no-chewing/dipping, passed by a vote of 6 to 0.

RESOLUTION 206-91 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

ACCESS EASEMENT

Mayor Vorsanger introduced a resolution granting an access easement across city owned property adjoining Lot 48 of the Clear Creek Acres Subdivision as requested by the property owners.

City Manager Linebaugh explained that the owners thought the property belonged to them, and their driveway goes across the city owned property. However, the new purchaser of the property discovered this error and is seeking an access easement which will enable him to have legal access across the land for the driveway. Staff has reviewed this easement and recommends granting access.

Henry, seconded by Blackston, made a motion to approve the resolution. Upon roll call, the resolution passed by a vote of 6 to 0.

RESOLUTION 207-91 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

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discovered. There were no objections by any of the utility companies, and Staff recommends granting this utility easement.

The ordinance was read for the first time. Henry, seconded by Blackston, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 7 to 0. The ordinance was read for the second time. Coody, seconded by Blackston, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion was passed by a vote of 7 to 0. The ordinance was read for the third and final time.

George Blackwell addressed the Board opposing the ordinance stating that it was unclear, and he requested further verification on this easement. Blackwell stated his concern since he has easements on his property.

Director Henry presented Mr. Blackwell with copies of all materials the Board has received on this utility easement, which should answer his questions.

Upon roll call, the ordinance passed by a vote of 7 to 0.

ORDINANCE 3579 APPEARS ON PAGE 59 OF ORDINANCE AND RESOLUTION BOOK XXVI

ITEMS 7, 8, 9 AND 10

City Manager Scott Linebaugh announced that Agenda items 7, 8, 9, and 10 were removed from the Agenda to allow for further action by Staff before bringing them before the Board.

SMOKING POLICY

Mayor Vorsanger introduced an ordinance regulating smoking in certain public areas.

The Board of Directors adopted a smoking policy for all city owned facilities at their November 5, 1991 meeting. The matter before the Board now is the consideration of enacting a smoking policy for certain public places.

Mayor Vorsanger requested that the City Attorney read the ordinance for the first time. Following the first reading, Mayor Vorsanger asked for public comments.

Rob Leflar, representing the Ozark Headwaters Group of the Sierra Club of over 150 members, addressed the Board in support of this ordinance. Leflar explained the basic premise underpinning the proposal, that being forced to breathe other's tobacco smoke is like being assaulted and no one should be forced to put up with

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this in carrying out their necessary daily activities. Smoking is a form of air pollution that carries a significant risk, just as breathing asbestos does.

Leflar reported that more than 600 cities in the United States have adopted smoking ordinances and that number is on the rise. Leflar further explained that their goal is to have a reasonable ordinance appropriate for the circumstances of the City of Fayetteville and its citizens and to serve as a model for other cities in Arkansas. This is not a general ban on smoking in all public places nor restrictions or regulations on smoking in work places, but only applies to public places and requesting a set of rules that the businesses of Fayetteville can live with as well as adequately protecting the citizens.

Leflar explained that public places were divided into three general categories: 1) Most Protective Class - places where people have to go in order to carry out essential daily activities or their civic duties, i.e. healthcare and childcare facilities, courtrooms, public meeting rooms, drug stores, grocery stores, etc. 2) Broadest Class - places where customers have a choice whether or not to patronize the establishment, i.e. restaurants, theaters, hotels and motels, etc. 3) Exempt Class - places where people expect there to be tobacco smoke, i.e. bars, pool halls, convenience stores, etc.

Director Coody presented Leflar with similar ordinances for other communities which are more specific and which may be incorporated into the proposed ordinance.

Mayor Vorsanger stated that in the ordinance considered 3-4 years ago, enforcement was by the police. He asked Leflar how he proposed enforcement of this ordinance to which Leflar responded that violations would be reported to the police. Leflar added that when people know what the law is, they will obey the law.

Director Henry stated that much of this ordinance is currently being voluntarily practiced in businesses. Henry asked if there were any statistics on this to which Leflar responded that City Staff has polled restaurants in the area showing that there is an increased tendency for "smoking" and "no smoking" sections in restaurants.

Jim Crider, Director of the Economic Development Department of the Fayetteville Chamber of Commerce, addressed the Board stating that inasmuch as the proposed smoking ordinance may have a profound impact on the hospitality industry, they should be allowed input in drafting such a document prior to City Board action. Crider requested that the Board table this item to allow for such input, or if they opt to vote without the occasion for the input requested, then for the sake of the business community, the

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position of the Fayetteville Chamber of Commerce would be to oppose the ordinance as presented.

Director Blackston stated that he would like to see incorporated into the ordinance a provision whereby businesses can avoid great expense by using their existing barriers and ventilation systems to achieve the goal as best they can.

Dr. David Rogers, family Practitioner in Fayetteville and former Secretary/Treasurer of the Washington County Medical Society, and current Chairman of the Arkansas Medical Society's Committee on smoking and tobacco products, addressed the Board stating that the medical community is not interested in putting a hardship on restaurants and hospitality centers but wanted to discuss options to establish the City's goal to provide a smoke-free environment in as many public places as possible.

Rogers quoted former Surgeon General C. Everett Koop, who said "cigarette smoking is the single most preventable cause of death and debility in the United States today." Over 400,000 people per year die from smoking and smoke related illnesses, and the cost to the United States economy due to hospitalization costs, lost work hours and productivity is over \$50 billion per year. Based on the most recent Surgeon General's report in 1989 and the EPA's report, second hand cigarette smoke is equally costly to the U.S. 4,000 people die per year directly attributable to second hand cigarette smoke. The incidents of upper respiratory tract infections, asthma, and hospitalizations in children with pneumonia is increased in children exposed to cigarette smoke. Rogers concluded by stating that this information was not available at the time the previous smoking ordinance was considered and defeated. With the current information, there is more ammunition to step forward and defend citizens from being exposed to second hand smoke.

Rogers stated that the health community looks to the City Board to establish rules to protect the health and well-being of the citizens.

Marilyn Johnson, past member of the City Board and a non-smoker, addressed the Board stating that this is a no win situation for either side. As Chairman of the Chamber of Commerce Convention and Tourism Committee, they have worked hard to sustain and create conventions and visitors to visit Fayetteville. It is not the business of city government to dictate policy for private business, but the customers should be dictators of this business. The smoking ordinance enforcement causes her concern as restaurant managers would become policing agents for the City. Johnson sees this ordinance as a hinderance to economic development and a hardship to small businesses trying to comply. Johnson urged the Board to defeat this ordinance as presented, or in the alternative, table it until the hospitality industry representatives are given

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a chance to provide input as the City cannot dictate governmental regulations for the county and state.

Director Coody reiterated that the ordinance would clearly state that businesses can use existing barriers and ventilation systems and do the best they can with what they have. In addition, he stated that a "smoke police squad" would not be necessary. There are a hundred different ways to look at this issue but he is confident that a middle ground can be found.

Bob Anderson, citizen of Fayetteville and a smoker, addressed the Board in opposition to the smoking ordinance stating that smokers should have rights the same as non-smokers. Anderson stated that it should be left up to the individual businesses to set their own policies.

Bruce Trammel, a Fayetteville attorney, addressed the Board in favor of the ordinance. Businesses are currently required to provide fire safety provisions for their customers. Restaurants and hotels are required to provide for the health of their customers and public welfare is the issue, not the inconvenience and money. Businesses that provide a non-smoking area may initially have expenditures to comply with the ordinance, but will eventually have more non-smoking traffic which is economically beneficial.

Katy Phillips, lifetime resident of Fayetteville and a 72 year old smoker, addressed the Board in opposition to the smoking ordinance. Phillips presented a petition for smoking rights to the Board on which 43 names appear, 15 smokers and 29 non-smokers.

Director Coody addressed Ms. Phillips stating that this ordinance would not take away her rights as a smoker. In fact, it would protect her rights as well as the non-smokers' rights.

Dean Wendgreen, a recent resident to the City of Fayetteville, addressed the Board in support of the smoking ordinance, stating that it is fair to both sides of the issue. He stated that since living in Fayetteville, it has been hard to get away from cigarette smoke in public.

Wayne Dyer, owner of the Hush Puppy Restaurant and a non-smoker, addressed the Board in opposition to the smoking ordinance as being unnecessary. He reported from the City's survey, that 79.6% of restaurants in Fayetteville provide both smoking and non-smoking areas, 4.5% have no smoking in their restaurants and 15.9% of restaurants that blend smoking and non-smoking into one area. Dyer stated that the City has recently enacted a smoking ordinance for buildings owned by the City, and he requested that he and his customers be allowed to regulate their policy.

November 19, 1991

Director Coody responded by stating that restaurants aren't the only establishments covered in this ordinance and it would be preferable to have a consistent policy for the entire City.

John Leonard, Manager of Cablecar Pizza, addressed the Board in opposition to this ordinance, stating that the Board has more important things to do than worry about private business.

Pat Henry, Manager of the Hilton Hotel, addressed the Board in opposition to this ordinance, not only from the restaurant standpoint, but also from the hotel standpoint. Henry stated that the Hilton provides an atmosphere for both the smoker and non-smoker and he should be allowed to operate his restaurant and facility the way that he needs to, to satisfy his guests.

Linda Matthews, resident of Fayetteville, addressed the Board in support of this ordinance, stating that they are giving mixed messages to their teenagers by allowing smoking in public buildings. Matthews suggested that along with passing this ordinance that they prepare an educational message to children regarding the ordinance.

Director Coody agreed with Ms. Matthews that this isn't as much a business issue as much as it is a health issue.

Mayor Vorsanger added that this ordinance isn't necessary in order to educate children on the hazards of smoking.

Coy Kaylor, owner of Coy's Place, addressed the Board in opposition to the smoking ordinance as written stating that the input on this issue from the hospitality industry is insufficient. Kaylor proposed that Rob Leflar and his group meet with those opposed to the ordinance, using the Chamber as a mediator, and try to reach a compromise. Kaylor stated that the proposed ordinance would not address Director Coody's concerns. Kaylor stated his concern that he has to have flexibility in dealing with and accommodating his customers.

Director Henry stated that another message to teenagers should be to voice and speak out against something that offends them.

Director Blackston stated that through public hearings and debate, a compromise solution can be attained.

Director Henry reported receiving calls from concerned citizens stating that the biggest problem with smoking occurs in grocery stores and restaurants and she suggested a mandated courtesy with regard to this issue.

Kevin Crosson stated that he understood smoking in grocery stores is a violation of the State Health Code.

November 19, 1991

Director Coody reported calls made to the four major grocery stores in Fayetteville revealed that managers either don't have a policy or don't know if they have a policy or not. Even though signs are posted, the are rarely enforced.

Director Green suggested that they give both sides of this issue an opportunity to work on a compromise and table this issue until the next meeting.

Henry, seconded by Blackston, made a motion to table this ordinance until the next meeting. Upon roll call, the motion to table passed by a vote of 7 to 0.

RECESS

A five minute recess was taken at this time.

CURBSIDE REFUSE COLLECTION

Mayor Vorsanger presented an ordinance amending Chapter 50 of the City Code making curbside the mandatory point of collection for residential refuse and eliminating metal cans as approved refuse containers.

City Manager Linebaugh reported that Staff recommends approving the amendments. Curbside pickup will decrease collection time by approximately 200-250 person hours per week, reduce the risk of injury from carrying the refuse for long distances, reduce the liability of disposing of something left near the trash bags or cans, and increase the effectiveness of the department by not missing pick-ups.

To implement this program, Linebaugh stated that Staff intends to establish a curbside exemption for the disabled (which would include the elderly segment of the community who could not physically move their refuse to the curb), inform each customer by mail, and make the effective date 30 days after passage of the ordinance.

In addition, Linebaugh stated that eliminating metal cans will reduce hazards for the collection crews. Plastic containers or bags weigh much less, are not susceptible to rust so do not develop dangerous, rough, jagged edges, and are not as easily damaged.

The ordinance was read for the first time. Blackston, seconded by Green made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 7 to 0. The ordinance was read for the second time. Blackston, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion was passed by a vote of 7 to 0. The ordinance was read for the third and final time.

12-3-1991

MINUTES OF A MEETING OF THE CITY BOARD OF DIRECTORS

A regular meeting of the Fayetteville City Board of Directors was held on Tuesday, December 3, 1991 at 7:30 p.m. in the Directors' Room of the City Administration Building at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred Vorsanger; Assistant Mayor Mike Green; Directors Ann Henry, Dan Coody, Julie Nash, Shell Spivey and Bob Blackston; City Manager Scott Linebaugh; City Attorney Jerry Rose, City Clerk Sherry Thomas; Planning Management Director Alett Little; Director of Public Works Kevin Crosson; members of staff, press, and audience.

CALL TO ORDER

The meeting was called to order by the Mayor, with seven Directors present. The Mayor asked those present to stand and recite the Pledge of Allegiance, and then asked that a brief moment of respectful silence be observed.

The Mayor welcomed comments on any item on the agenda. He further stated that in order to allow equal attention to all items, the Board requests that comments be limited to 3 minutes per person per item. He explained that the agenda for the Board meeting was set on the Wednesday before the meeting. Any item a citizen wishes to be presented to the Board not on this agenda must be presented at the next agenda session or brought up by a Director at that session for discussion at the following meeting.

City Manager Scott Linebaugh reported that Items 2A, 5 and 6, Right of Way Condemnations, have been removed from the agenda due to the fact that they have become contested over a property line dispute between owners.

OLD BUSINESS

Mayor Vorsanger explained "Old Business" as items that have been brought before the Board, but were tabled or no decision made to allow for further information to be presented.

SMOKING POLICY

Mayor Vorsanger reintroduced an ordinance regulating smoking in certain public areas.

The Board of Directors adopted a smoking policy for all city owned facilities at their November 5, 1991 meeting. The matter before the Board now is the consideration of enacting a smoking policy for certain public places.

December 3, 1991

The Board voted at the November 19 meeting to table this ordinance to allow people from the hospitality industry in Fayetteville to meet with Robert Leflar and others who drafted the original ordinance to come up with a compromise ordinance that both business people as well as the non-smoking community could endorse.

Director Coody made a motion to take the ordinance off the table.

Director Henry stated that the revised ordinance had been provided to the Board members only 15 minutes ago, instead of the requested 24 hours prior to the Board meeting. For this reason, she suggested that they leave it on the table to allow the Board a chance to review the document.

Mayor Vorsanger explained that the various interested groups had met and a new proposed ordinance was presented to the Board just prior to the meeting. Vorsanger announced that Mr. Rob Leflar was present to discuss the new ordinance with a taped presentation, and that discussion could be had on the new proposed ordinance.

City Manager Linebaugh stated that the new proposed ordinance does not have the backing of the two groups as they were unable to reach an agreement. Mr. Leflar's group is the only group supporting the new proposed ordinance.

Director Nash' stated that she is not prepared to vote on an ordinance she has just now seen. On the other hand, if the item must be removed from the table to receive reports from the various groups, then she would support the ordinance.

Nash seconded the motion to take the ordinance off the table.

Director Green stated that if the reason for tabling this ordinance was so that the two groups could come to a compromise, he could see no benefit for discussion at this time if there is still a disagreement as to the substance of the ordinance.

Director Coody stated that several good points were discussed by members of the hospitality industry and smoking ordinance proponents. Agreement was reached on all but one minor point; therefore, he believes a compromise has been made. Coody stated that the new proposed ordinance contains 6-7 changes from the original ordinance and addresses the concerns of the hospitality industry.

Director Spivey suggested that if the two groups are that close to an absolute compromise, he challenges them to get together one more time to prepare an ordinance that both groups can endorse.

Director Blackston agreed with Director Spivey's suggestion and stated that if possible, he would rather see both parties work out an agreement between themselves than to see the Board take action

December 3, 1991

at this particular time. In addition, Blackston stated his desire to have an opportunity to review the new proposed ordinance at his leisure.

Upon roll call, the motion to remove the ordinance from the table failed by a vote of 5 to 2, with Directors Coody and Nash voting in the minority.

Director Coody questioned whether the one point in dispute, that of the designation of "non-smoking" areas as well as designation of "smoking" areas, can be resolved and a compromise reached, as these views are diametrically opposed to each other. Coody stated his concern that this ordinance may "go down in flames" in view of all the compromising accomplished to day, because of this one "nit-picking" detail.

Mayor Vorsanger suggested that in addition to the new proposed ordinance, the groups look at other ordinances for guidance such as that of Little Rock.

Pat Henry, of the Hilton Hotel, addressed the Board stating that he has not been presented with any of the ordinances that Mr. Leflar has received to review. He believes these would give them more background to be able to draft a compromise ordinance. He further stated that the hospitality industry is not opposed to a smoking ordinance they only want an ordinance that is fair and equal for all businesses.

Mayor Vorsanger stated that the ordinance has been tabled, and will be reviewed again at the meeting in two weeks. Hopefully, it can be taken off the table at that time for further discussion.

Director Henry reiterated her request that any proposed ordinance be provided to the Board members on Monday before the next meeting.

Director Spivey stated his appreciation for the time committed by both parties to this issue.

CURBSIDE REFUSE COLLECTION

Mayor Vorsanger reintroduced an ordinance amending Chapter 50 of the City Code making curbside the mandatory point of collection for residential refuse and eliminating metal cans as approved refuse containers.

Staff recommends approving the amendments. Curbside pickup will decrease collection time by approximately 200-250 person hours per week, reduce the risk of injury from carrying the refuse for long distances, reduce the liability of disposing of something left near the trash bags or cans, and increase the effectiveness of the department by not missing pick-ups.

12-17-91

FILED FOR RECORD
'91 DEC 20 PM 3 41

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ORDINANCE NO. 3584

AN ORDINANCE TO REGULATE SMOKING IN CERTAIN
PUBLIC PLACES AND TO AMEND CHAPTER 95 OF THE
CODE OF ORDINANCES OF THE CITY OF
FAYETTEVILLE, ARKANSAS BY ADDING A NEW SECTION
95.05.

WASH. STATE CO AR
MEYER

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, the National Institute of Occupational Safety and Health, and other scientific and health organizations demonstrate that passive smoking, or involuntary exposure to other people's tobacco smoke, is a significant health hazard for elderly people, children, individuals with cardiovascular disease, and individuals with impaired respiratory function;

WHEREAS, health hazards caused by passive smoking include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm;

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of passive smoking may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions;

WHEREAS, smoking is a frequent cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business;

WHEREAS, the Fayetteville business community has taken important steps to increase customer satisfaction by providing non-smoking areas, and this trend should be encouraged; and

WHEREAS, the purpose of this ordinance is to protect public health, safety and welfare by prohibiting smoking in certain public places essential to members of the public, and by restricting smoking to designated smoking areas in other specified public places;

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

Section 1. Chapter 95 of the Code of Fayetteville is hereby amended by adding Section 95.05 to read as follows:

§95.05 Regulating Smoking in Certain Public Places.

(a) Definitions.

- (1) "Bar" means an area devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food, if any, is only incidental to the consumption of such beverages.

LIBER 1446 PAGE 848

(2) "Designated smoking area" means an area:

(A) that is separated from non-smoking areas; is designated by appropriate signs which are clearly visible to patrons in and entering the area, or is in a facility where conspicuous signs are posted that smoking is permitted in the entire facility except for non-smoking areas; contains ashtrays, containers, or other receptacles for extinguishing smoking materials; and does not include service lines or cashier areas; and

(B) that is situated so that smoke from the smoking area does not normally enter a non-smoking area; provided that in the case of a public place that is in business or operation on the date of enactment of this ordinance, whether under the same or new management, no new physical barriers or ventilation systems need to be installed, and such public place shall be deemed to satisfy this subparagraph (a)(2)(B) if it utilizes existing physical barriers or ventilation systems to minimize the drift of smoke into non-smoking areas.

(3) "Designated non-smoking area" means an area that is separated from smoking areas, and is designated by appropriate signs which are clearly visible to patrons and entering the area.

(4) "Health care facilities" means all enclosed indoor areas in which health care is provided to the general public (other than areas to which smoking policy is already established by state law (A.C.A. §§ 20-27-701 thru 703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.

(5) "Manager" means the owner, lessee, or other person in charge of a public place.

(6) "Public place" means (a) any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and (b) any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this ordinance, unless it is used as a health care or licensed child care facility.

(7) "Smoking" means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(b) Restrictions on Smoking in Public Places Essential to Members of the Public.

No person shall smoke in the following public places:

- (1) health care facilities, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
- (2) licensed child care facilities, except in areas in which children being cared for are never present;
- (3) polling places;
- (4) courtrooms and jury waiting and deliberation rooms;
- (5) rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this ordinance shall not apply to meetings of private organizations;
- (6) drug stores, grocery stores, banks, libraries, and laundromats;
- (7) public transportation terminals;
- (8) buses, taxis, and airport limousines operating within the city limits;
- (9) elevators accessible to the public;
- (10) restrooms, except in facilities listed in subsection (d) of this ordinance; and
- (11) swimming pools owned or operated by the city.

(c) Restrictions on Smoking in Certain Other Public Places.

No person shall smoke in the following public places, except in designated smoking areas:

- (1) facilities primarily used for exhibiting any motion picture, lecture, musical recital,

stage or other similar performance, except when smoking is part of a stage production;

- (2) enclosed walkways in malls and shopping centers;
 - (3) hotels and motels;
 - (4) museums and galleries;
 - (5) bank and retail stores doing business with the general public, except for retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less and the management posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the restaurant; and
 - (7) health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, except for pool halls.
- (d) The provisions of this ordinance shall not apply to the following facilities, provided that the facility posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility:
- (1) bars, and separated bar areas of restaurants;
 - (2) beauty salons and barber shops;
 - (3) retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (4) gasoline stations and convenience stores; and
 - (5) pool halls; and
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less.
- (e) Duties of Managers of Public Places.
- (1) The manager of public place to which this ordinance applies shall make one of the following three designations. The manager may

designate: (A) the entire public place as a non-smoking facility; or (B) separate areas of the public place as a designated smoking and non-smoking, if permitted by paragraph (c) of this ordinance; or (C) the entire public place as a smoking-permitted facility, if permitted by paragraph (d) of this ordinance.

- (2) The manager of a public place, if the entire public place has been designated a smoking-permitted facility, shall post a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility.
- (3) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that (A) smoking is prohibited, or (B) that smoking is prohibited except within designated smoking areas, or (C) that smoking is permitted except within designated non-smoking areas.
- (4) The manager of a public place in which a smoking and non-smoking areas has been designated shall comply with the requirements of this ordinance for sitting of the designated smoking and non-smoking areas.
- (5) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited. The manager may fulfill this duty by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas.
- (6) Nothing in this ordinance shall preclude the manager of a public place listed in paragraphs (c) or (d) of this ordinance from designating all of the facility to be non-smoking, or from designating part of public place listed in paragraph (d) as a non-smoking area.

(f) Enforcement.

- (1) The City Manager shall designate officers responsible for enforcing the provisions of this ordinance, with due regard for the circumstances of each type of facility subject to the ordinance.

- (2) The violation of any provision of this ordinance shall be punishable by a fine of not less than \$10.00 and not more than \$100, except that in inadvertent first offender may be given a warning. Each day a violation of this ordinance continues shall be a separate offense.
- (3) City officials responsible for issuing building permits and certificates of occupancy for facilities subject to this ordinance shall consider applicants' compliance with, or agreement to comply with paragraph (e)(4) as a factor in deciding whether to issue the permit.

(g) Relation to Other Laws and Regulations.

Nothing in this ordinance excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(h) Severability.

If any part of this ordinance, or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

(i) Effective Date.

This ordinance shall be effective three months after the date of approval by the Fayetteville Board of Directors.

PASSED AND APPROVED this 17th day of December, 1991.

APPROVED:

By: [Signature]
Mayor

ATTEST:
By: [Signature] L. Thomas
City Clerk

FAYETTEVILLE

3584

TP
2/14

ROFILMEI

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Department, Division Heads
From: Mayor Fred Hanna
Date: May 23, 1996
Subject: Enforcement Responsibilities for Ord. 3584

The city's No Smoking ordinance (No. 3584) calls for the mayor to appoint persons/departments responsible for enforcement. I am naming the Police Department and the Fire Marshal's office as the two entities to enforce this ordinance on complaint of violations.

Please get in touch with Phyllis Rice at my office if you have questions.

RECEIVED
5/24/96
CITY CLERK'S OFFICE

December 17, 1991

no easements have been acquired on the south side; however, 10 acres for the tank site and access thereto has been acquired by a long term lease. The acquisition of easements is the only delaying factor for this portion of the project.

In conclusion, Bunn reported that total funds expended to date on the 36 inch line total project at approximately \$500,000. The majority of that is engineering fees and acquisition of easements. Bunn reiterated Linebaugh's statement that there is a possibility for consumption water management for one more summer. Whether water management will be necessary for the summer of 1993 will depend on the progress of construction. The planned construction of water tanks, which will provide an additional 12 million gallons, is scheduled to be completed first in order to be in service for the summer of 1993. In addition, the progress of construction at the Beaver Treatment Plant could affect the 1993 service.

OLD BUSINESS

Items that have been brought before the Board but were tabled or no decision made to allow for further information to be presented.

SMOKING POLICY

Mayor Vorsanger reintroduced an ordinance regulating smoking in certain public areas.

Vorsanger explained that the Board of Directors adopted a smoking policy for City owned facilities at their November 5, 1991 meeting. The matter before the Board now is the consideration of enacting a smoking policy for certain public places.

Vorsanger further reported that the Board voted at the November 19 meeting to table this ordinance to allow people from the hospitality industry in Fayetteville to meet with Robert Leflar and others who drafted the original ordinance to come up with a compromise ordinance that both business people as well as the non-smoking community could endorse.

In addition, Vorsanger reported that the Board voted at the December 3 meeting to leave the item on the table to allow further time for the two groups to reach a compromise ordinance and to be presented to the Board members for their consideration prior to the meeting.

Mayor Vorsanger requested input from the other Board members as to whether they should take the previous ordinance off the table, or start anew, leaving the old ordinance on the table and address the new ordinances before them this evening.

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Director Green recommended that they leave the old ordinance on the table and start anew with the revised ordinance.

City Attorney Rose verified that by the Board's inactivity, the previous ordinance is automatically tabled indefinitely.

Director Coody, seconded by Spivey, made a motion to adopt the new ordinance dated December 17th.

The ordinance was read for the first time. Green, seconded by Coody, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the second time. Coody, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion was passed by a vote of 6 to 0. The ordinance was read for the third and final time.

Director Coody thanked Rob Leflar and members of the Sierra Club for their efforts in reaching the compromise ordinance being presented.

Director Spivey thanked all interested parties, including the hotel and restaurant owners, who were all instrumental in the compromise settlement of this issue.

Sierra Club representative Rob Leflar addressed the Board. Leflar reported that he had fulfilled his pledge to work in good faith with the Chamber of Commerce and the hospitality industry. Many hours of discussion were held in which the concerns of both sides were voiced and good faith efforts were made on all sides in reaching a compromise which he believes is acceptable to all. Leflar further expressed his appreciation to Coy Kaylor, Pat Henry, Bill Clodfelter, and Wayne Dyer for their effective negotiations and contributions to the process. He further stated that these gentlemen would prefer not to have a smoking ordinance, but in the event of the Board's judgment that an ordinance is necessary in the best interests of the City, they believe that the new ordinance is acceptable and one they can live with.

Leflar further addressed the concerns raised by Mayor Vorsanger at the last Board meeting regarding enforcement of the ordinance stating this concern is addressed in the new ordinance by giving the City Manager authority to designate an officer most appropriate for enforcement of the ordinance. In addition, Leflar reported his contact with Jim McSwain, Fire Chief of the City of Lawrence, Kansas (a strong business and University community with a comparable population to Fayetteville), regarding McSwain's responsibility for enforcement of a similar ordinance, relayed his experience that in over 4 years since their ordinance was passed, a total of 45 complaints have been received with the majority received in the first year. Once their citizens became familiar

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with the provisions of the ordinance, the number of complaints dramatically reduced and enforcement became a minor problem. Leflar stated that he believes a similar situation will be realized in the City of Fayetteville.

Leflar proceeded to explain the points of significant change in the new ordinance as follows:

- 1) Paragraph A(2a) pertaining to the designation of designated smoking area, the word "clearly" was omitted;
- 2) Paragraph A(2b) contains a provision which will essentially serve as a "grandfather clause" so that existing restaurants can use their existing physical barriers and ventilation systems to avoid major remodelling expenses in order to comply with the provisions of the ordinance and can merely post "smoking" and "non-smoking" signs in areas of their choice;
- 3) Paragraph A(3) includes a new definition for "designated non-smoking areas";
- 4) Paragraph A(6) pertaining to the definition of "public place" has specifically exempted hotel/motel guest rooms; banks were moved from category "B" into category "C";
- 5) Paragraph C(6) contains an exemption of existing restaurants with a total public seating of 30 or less, where it is difficult to separate "smoking" from "non-smoking"; however, said exempt restaurants would be required to post a notice on the outside of their establishments informing potential customers of that fact;
- 6) Paragraph E(3) clearly states that managers of public places will place conspicuous signs at all entrances, up to a maximum of six; posting one of the following statements: "Smoking Prohibited" or "Smoking Prohibited Except Within Designated Smoking Areas" or "Smoking Permitted Except Within Designated Non-Smoking Areas"; with the option of which sign to post being that of each individual facility by their management;
- 7) Paragraph E(5) addresses management's enforcement of the ordinance in order to comply by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas;
- 8) Paragraph F addresses City enforcement by authorizing the City Manager to designate an officer responsible for enforcement of the ordinance;

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- 9) Paragraph F(2) states that an inadvertent first offender could be given a warning rather than being fined;
- 10) Paragraph F states that the City officials responsible for granting permits for new facilities would consider applicant's compliance with "smoking" and "non-smoking" citing designation as a factor in granting of permits.

In conclusion, Leflar stated that the process by which the parties arrived at an acceptable compromise will stand as a good example of "bending bridges" and set a good example for future controversies among different areas and groups in the community.

Molly Wolfe, student at the University of Arkansas, addressed the Board encouraging them to support the smoking ordinance and feels strongly about this issue as her conscious efforts at health/safety seem to be in vain when she has to be subjected to second hand smoke in public places. With all the hazards that we don't have control over, this is one that can be controlled.

Janet Titus, immediate past President of the Washington County Medical Society, addressed the Board in support of the new smoking ordinance as it supports in spirit the goals of the Washington County Medical Society efforts for a smoking ordinance. She stated that it seems to be an acceptable compromise that helps to protect the health and welfare of the majority of citizens without overly taxing the facilities' ability to serve their customers who wish to smoke. As a physician, she spends a lot of time trying to convince her patients not to smoke, and a position like this taken by a public entity, supports her stand against smoking.

Mayor Vorsanger addressed Dr. Titus regarding his confusion with the ordinance and her letter wherein they talk about the risks of smoking which he agrees with, but the ordinance as well as the last paragraph in her letter states, ". . . the Washington County Medical Society strongly supports efforts to regulate smoking in all public areas, all area hospitals have already taken the lead in banning smoking, except by patients in their rooms" which he finds confusing and contradictory.

Dr. Titus responded that nurses find some patients to be extremely difficult to deal with when they are raving about wanting to have a cigarette in the middle of the night. The original ruling was that patients could smoke only with the direct permission of their physician which quickly fell by the wayside as it is difficult to confront long term smokers with this restriction. Although Dr. Titus would like to see smoking banned completely, she does not believe it is practical in those situations. In addition, the hospitals when admitting patients assign rooms according to smoking preference. Titus also stated that regulating smoking by staff in nursing homes will help considerably in those facilities.

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Director Henry stated that despite the fact that physicians are trained in health issues, and many have stopped smoking themselves, they cannot convince their patients to stop smoking as some people have no choice as they are addicted to the habit.

Dale Smith, owner of Carolyn's Restaurant, addressed the Board stating that his restaurant is already in compliance with this ordinance, and he would like to think that an ordinance like this wasn't necessary; however, people simply don't smoke responsibly nor realize the seriousness of this issue. Therefore, an ordinance is required to help control the problem as well as further educating people on the hazards of smoking.

Carol Fossey, physician practicing in the Fayetteville area, addressed the Board recommending that the Board pass this smoking ordinance as a good compromise and stated the importance of the City Board as representatives of the well being of the citizens of Fayetteville. Fossey encouraged the passage of an ordinance to help protect non-smokers from passive smoke.

Director Henry inquired as to whether this ordinance will require many changes from the hospitality industry that have not already been implemented.

Leflar stated that some additional signage would be required.

Henry stated that bars, beauty shops, and barber shops were exempted from this ordinance, and it is really not any broader than any of the previous proposed ordinances. The ordinance will take care of some additional problems. Henry further stated her concern that this ordinance was placing a lot of responsibility on managers of public establishments, especially in view of the fact that physicians are not willing to confront their patients. In addition, Henry stated that the City was being asked to solve this problem and to do what each individual has every right and the ability to control in their own situations. In closing, Henry stated that although this ordinance appears to be a compromise, she believes it is just the continuation of a trend to ask the government to do things that each individual should be able to do for themselves.

Betty Lou Olson addressed the Board stating that a common response received by a non-smoker requesting that someone not smoke in their presence is "I am not breaking the law"; therefore, an ordinance is necessary for enforcement.

Director Nash pointed out that this is not a smoking ban. She has received various opinions on a smoking ordinance and believes that both sides have made concessions and are willing to live with this ordinance. She is pleased to see this sort of communication and cooperation by everyone involved.

December 17, 1991

Mayor Vorsanger stated his concerns that: (1) chewing tobacco, which he considers more offensive than smoking, is not included in this ordinance; (2) it's okay to smoke and drink, but if you smoke and eat, the required signs needs to be posted; and (3) government should not regulate people or businesses in this matter. He stated he would vote against the ordinance.

Director Henry stated her agreement with Mayor Vorsanger, stating that she would like to see the word "tobacco" used in the ordinance.

Director Green stated that the Board needed to realize that this is a start and they have to start somewhere. This happens to be an ordinance which is at least bearable to most of those involved. Although it is not the answer to everything, this ordinance itself is at least a compromise and a good start, and the other issues will take care of themselves in time or can be addressed by the Board in the future if necessary. Even though he would prefer not to be asked to regulate business, there are valid reasons for trying to protect non-smokers from passive smoke; therefore, he stated that he would support the ordinance.

Mayor Vorsanger stated that one of the wonderful things about democracy and being on the Board of Directors is that they will all vote their conscience.

Upon roll call, the ordinance passed by a vote of 4 to 2, with Directors Vorsanger and Henry voting against the ordinance.

ORDINANCE 3584 APPEARS ON PAGE 7/ OF ORDINANCE AND RESOLUTION BOOK XXV

UTILITY VEHICLE BID AWARD

Mayor Vorsanger reintroduced a resolution awarding Bid 91-61 to Ron Blackwell Ford for \$68,028 and to Lewis Ford Sales for \$43,857 for the purchase of seven (7) light and medium duty utility vehicles.

Vorsanger further reported that Staff recommends awarding the bids for the purchase of 4-1992 Jeep Cherokees, a 1991 Ford Ranger, a 1992 Ford F-250 pickup with a slip in dump bed, and a 1992 Ford Ranger 4x4.

Vorsanger explained that this item was tabled at the December 3, 1991 meeting so that the department needs for 4x4 vehicles could be presented to the Board.

Director Coody stated that in response to his questions regarding the necessity of the 4x4 vehicles, he has received a lot of input which include the following options: (1) Continue with current situation with 4-wheel drive Jeep Cherokee sport wagons; (2) Provide sufficient justification to reject the lowest bid to allow

February 2, 1993

Odom, seconded by Miller, made a motion to approve the appointment of Kevin Crosson as the City's alternate representative to this committee. Upon roll call, the motion passed by a vote of 8 to 0.

RESOLUTION 23-93 AS RECORDED IN THE CITY CLERK'S OFFICE

ENVIRONMENTAL CONCERNS COMMITTEE

Alderman Chapman stated the Environmental Concerns Committee would be holding a meeting on Monday, February 22 at 4:30 p.m. in Room 111 of City Hall. Drew Holt, Chairman of the Four County Solid Waste Management District will be the guest speaker. Alderman Chapman welcomed any of the interested Council members to attend as well as anyone from the public.

TOLLING AGREEMENT

City Attorney Jerry Rose stated the City currently has a tolling agreement with the law firm of Kutak, Rock & Campbell as a potential third party defendant in the incinerator lawsuit. The tolling agreement stops the statute of limitations from running on the time when the City could file suit against this firm. The first tolling agreement was signed in 1989, and this amendment will extend the time until May 31, 1993. He asked the Council to approve a resolution ratifying the signatures on the tolling agreement.

Williams, seconded by Edens, made a motion to approve the extension of the tolling agreement. Upon roll call, the motion passed by a vote of 8 to 0.

RESOLUTION 24-93 AS RECORDED IN THE CITY CLERK'S OFFICE

COUNCIL MEETING DATE CHANGE

Mayor Hanna stated the next regular meeting of the City Council is scheduled for February 16. There is a public hearing scheduled for 4:30 that day of the proposed tree ordinance. In order to allow plenty of time for that, the Council meeting will be moved to Wednesday, February 17, 1993, at the regular time of 6:30 p.m.

SMOKING POLICY

Alderman Williams stated the EPA has declared second hand smoke is a carcinogenic. He would like to have an ordinance passed that would prohibit smoking in all city buildings and vehicles. He feels allowing smoking areas where the smoke can travel to other parts of the building, etc., opens the City up for potential litigation if an employee develops cancer from this second hand smoke. He would like this item placed on the agenda for the next regular Council meeting.

February 2, 1993

Kevin Crosson stated the City currently has designated smoking areas in all city facilities. All vehicles are now tobacco-free.

Alderman Chapman agreed with the potential for possible litigation. Passive smoke can be as damaging as active smoke. These people are the victims. She stated schools are leading the way with this trend.

Alderman Miller stated he concurs with Aldermen Williams and Chapman because nicotine is the most dangerous drug around.

PROPOSED TREE ORDINANCE

Alderman Vorsanger stated Jo Ann Teas wrote to each of the alderman about the proposed tree ordinance, and he wants to make sure her concerns are addressed by Staff.

HWY 165 & 16 TRAFFIC LIGHT

Alderman Vorsanger stated he has heard nothing but good comments since the traffic light at the intersection of Highway 165 and 16 has been installed. He stated there were other areas that needed lights as well. He asked how the City could get the Highway Department to speed up the installation of the traffic lights.

Kevin Crosson stated he and Alett Little have been working with the Highway Department and have been able to acquire several improvements to City streets. The Highway Department is aware of the critical needs of the City. They have procedures and levels of bureaucracy that have to be followed.

Alderman Bassett stated he knows Bobby Hopper and has found him to be highly responsive to the needs of this part of the state. In addition, Alderman Bassett stated he has received several calls from people wanting something done to their street, etc., and he has relayed this information to Kevin Crosson, who has been able to take care of the situations. He has found the City very responsible to the needs of the citizens.

Crosson stated Mayor Hanna has been a major party in working with the Highway Department in improving the relationship that exists between them and the City.

WINWOOD STREET

Alderman Vorsanger stated he has received calls from citizens that Winwood Street between Township and Mission has become a race track. He stated they were not criticizing the Police Department, but they were asking for the City's help.

Crosson stated that area is an enforcement problem. Speed limits signs will not stop speeders.

February 17, 1993

Alderman Daniel asked if there was an income limit for people applying for this assistance. Little stated the limit was \$29,000 for a single family household. Little further stated there were

various types of programs available including grants and low interest loans.

Alderman Miller stated he knows several of the people who have been assisted through this program, and he feel this is a great help to them and to the City.

Miller, seconded by Williams, made a motion to approve the increase in the rehabilitation limit per dwelling. Upon roll call, the motion passed by a vote of 8 to 0.

RESOLUTION 29-93 AS RECORDED IN THE CITY CLERK'S OFFICE

SMOKING POLICY REVISION

Mayor Hanna introduced consideration of an ordinance amending the City's smoking ordinance.

Alderman Williams stated he has received calls from several people on both sides of this issue. Staff had been asked to examine the City buildings and determine which ones could have the designated smoking areas blocked off. He feels this item should be postponed until Staff has had time to find out this information.

Alderman Chapman stated the City Council may need more time as well to further study the smoking issue.

Alderman Edens stated he feels the City has a good smoking ordinance, and does not see the point in changing it if there is no problem. He stated he had not heard from any employees objecting to the designated smoking areas.

Edens made a motion to leave the ordinance as it currently stands.

Alderman Williams stated he felt it should be postponed to a future time. He would like for Staff to get with OSHA and see if they anticipate mandating regulations for the workplace.

Alderman Chapman added she would like for Staff to contact the Center for Disease Control in Atlanta and get the latest statistics on smoking

Alderman Daniel stated she had previously discussed phasing in a totally smoke free workplace in a five to seven year period. She would like this idea considered as well.

Williams, seconded by Miller, made a motion to table indefinitely the smoking ordinance amendment.

February 17, 1993

Upon roll call, the motion passed by a vote of 8 to 0.

OTHER BUSINESS

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

Mayor Hanna stated Alderman Daniel had volunteered to be a member of this committee, but he needed one more representative.

Alderman Miller stated he would volunteer.

Mayor Hanna agreed with both of these aldermen serving on this committee.

TREE PROTECTION ORDINANCE

Mayor Hanna stated there would be a public hearing on Wednesday, February 24, 1993, at 5:00 p.m. in City Hall on the proposed tree protection ordinance.

WARD 3 MEETING

Alderman Vorsanger stated Ward 3 would hold meeting Thursday, February 18, at 7 p.m. at Butterfield School. The three major items of discussion are (1) review the tree ordinance, (2) discuss where the city's money comes from, and (3) the sales tax. He stated Alderman Edens has a good presentation planned on what the City was going to do with the sales tax and what will have to be held off until we get a new sales tax passed.

WARD 4 MEETING

Alderman Daniel stated Ward 4 would hold a meeting Thursday, February 25, at 7:00 p.m. in Room 111 of City Hall. The major topic of discussion will be the sales tax.

NORTHWEST ARKANSAS REGIONAL AIRPORT AUTHORITY

Alderman Williams stated he and Alderman Edens had attended the last NWARAA meeting, and they had discussed the possibility of controlling Drake Field. Both the advantages and disadvantages of such an arrangement were discussed.

Alderman Williams stated there are going to be some documents proposing Drake Field be controlled by the NWARAA. He feels the Aldermen should become educated about the issue and the impact of such a decision on Fayetteville. If the City allows Drake Field to come under the jurisdiction of the Authority, we would lose control of the aviation future of Fayetteville. The NWARAA is dominated by members from Benton County, and he expressed his concern for Fayetteville.

Thiel / Reynolds

(A) Standard Ordinance (Short version)

Done when How

✓ (1) Bizarro's first amendment ~~Ordinance~~ → passed Complaint - remove Code Enforcement

Officers

Thiel / Reynolds

✓ (2) (G) ~~Ordinance~~ Enclosed smoking room for employees

Davis / Reynolds

✓ (3) Bar Smoke det - enclosed, separate entrance, common kitchen ^{ad ventilation}

~~(4) ^{Business with} Five or fewer people are exempted from ordinance~~

Davis / Rhoades

✓ (4) ~~Ordinance~~ ^{shall} Business with five or fewer people ~~not~~ be considered a place of employment for purposes of this ordinance.

Rhoades / Davis

✓ (5) After Kitchen closes → bar "when a manager posts a sign when a kitchen closes, the restaurant's bar area becomes a bar."

Rhoades / Reynolds

✓ (6) Sign only

✓ (7) Referendum Rhoades / Reynolds

Special Election

Ordinance

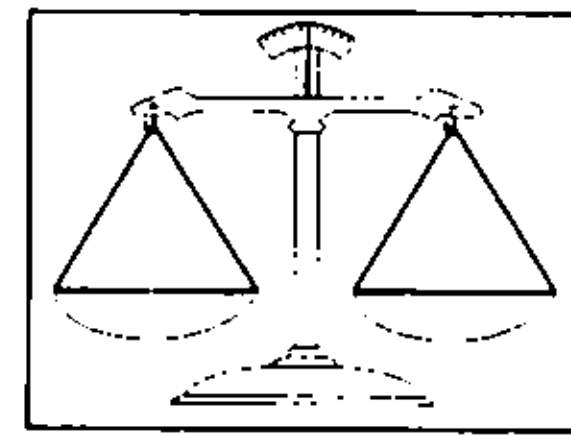
|||| Shall the Ordinance Ordinance Pass?
Yes
||||
No
|||

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**
City Council

FROM: **Kit Williams, City Attorney**

A handwritten signature in dark ink, appearing to read 'Kit Williams', followed by a long horizontal line extending to the right.

DATE: **August 26, 2003**

RE: **Updated "Short Version" of Smoking Ordinance**

Attached is what I believe was the majority view (if not always the consensus) of how the proposed smoking ordinance should be worded. I have listed the major changes or items of interest below.

A. "Short Version".

I believe that you all thought the "short version" was preferable. Thus, instead of listing all the businesses to be regulated, the ordinance simply states that "everything but" bars and retail tobacco stores are regulated. To keep the meaning consistent with the current proposal, I added language to the definition of "Place of Employment" to exclude "An enclosed private office that is not regularly entered or occupied by a nonsmoking employee"

B. Whereas Clauses.

Per the apparent overall agreement of the aldermen, I put in three of the original Whereas clauses from the current proposal and deleted one from the referral to voters "short version".

C. Definitions of "Bar" and "Restaurant."

These remain as originally proposed in the new ordinance. In fact, the "Bar" definition is almost identical to our current ordinance. Any alderman may move to

amend these definitions (and anything else in the proposed ordinance) at the City Council Meeting.

D. Definition of "Places of employment."

As I noted, I added language to "places of employment" to reflect the exclusion in the currently proposed ordinance (C) (10).

E. Definition of "Public place."

I removed "city parks" from the definition of the public place pursuant to the majority view. I also removed the language referring to "private residences" which seem the opposite of a "public place." The language including houses used for "child care, adult day care or health care facility," is already in the definition of "places of employment", a much more logical and appropriate place.

Refer to Voters?

The major issue most in doubt is whether to refer this ordinance to the voters for their ratification or rejection. Thus, I have drafted two versions, a standard ordinance and an ordinance calling for a special election.

Possible Procedure At City Council Meeting

I would suggest you dispose of any proposed changes in the definitions first. Then someone would need to amend the ordinance to the ""short version" (including any changes to the current definitions). Finally, the issue of referral to the voters needs to be addressed by a motion to amend to the "short version" that is the referral ordinance.

All internal motions (Table, Amend, etc.) need a majority of the City Council present. An ordinance needs five affirmative votes to pass regardless if anyone is absent.

If the ordinance is significantly amended (say to the "short version"), I would prefer to read the whole ordinance aloud again when you have made all the changes desired. Then if you would **Suspend the Rules to go through two more readings of the title, the City could be protected from any procedural challenge that the three public readings requirement was not satisfied since the ordinance was so significantly amended after the first two readings.**

Regular
Ordinance

DRAFT

This One?

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT

Yes

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.

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 hereby repeals **§95.05 Regulation of smoking in certain public places** of the Fayetteville Code in its entirety and enacts the following new **§95.05 Regulation of smoking in most public places and places of employment** of the Fayetteville Code to replace it:

"Sec. 95.05. Regulation of smoking in most public places and places of employment.

(A) **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. An establishment, whether termed a private club or public establishment, that is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant. An eating establishment, including but not limited to dining establishments, private clubs, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of

doorways), which extend from the floor to the ceiling.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, hallways, classrooms, and employee cafeterias. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility. A "bar" and a "retail tobacco store" are not places of employment for purposes of this Section. An enclosed private office that is not regularly entered or occupied by a nonsmoking employee is not a place of employment for purposes of this section.

Public place.

(1) Any enclosed indoor area that is used by the public or private club members and guests, except designated hotel and motel guest rooms.

(2) Any swimming pool owned or operated by the city.

Retail Tobacco Store. A retail store utilized primarily for the sale and use of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) *Prohibition of Smoking in public places and places of employment*

Smoking is prohibited in all public places, places of employment, and city vehicles unless specifically exempted in subsection (C).

(C) *Exemptions.* The following types of establishments are exempted from the smoking prohibition of this ordinance:

- (1) Bars
- (2) Retail tobacco stores

(D) *Duties of Managers.*

- (1) The manager of a place within which smoking is prohibited by this ordinance shall place "No Smoking" or "Smoke Free" signage at the major entrance and other appropriate places within the establishment.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited.

(E) *Enforcement.*

- (1) City Code Compliance Officers are empowered to issue citations for violation of this section. City police shall also enforce this section pursuant to their normal police power.
- (2) If a manager knowingly permits or fails to make reasonable efforts to prevent smoking by the establishment's customers or employees where prohibited by this section, the manager shall be guilty of a violation and a fine or not more than \$100.00 per occurrence.
- (3) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty (\$50.00) dollars per occurrence.
- (4) In addition to the fines established by this Section, multiple violations of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.

(F) *Jurisdiction.*

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

DRAFT

PASSED and APPROVED this the 2nd day of September, 2003.

APPROVED:

By: ~~DRAFT~~
DAN COODY Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Add
Effective
Date
Feb. 1, 2004
to this one

Motion to
adopt this
ordinance

DRAFT

REFER TO VOTE

DRAFT

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT AND TO REFER THIS ORDINANCE TO THE VOTERS FOR THEIR ADOPTION OR REJECTION

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

WHEREAS, the City Council of the City of Fayetteville wishes to give the city voters a chance to decide whether to repeal the current smoking ordinance (§95.05 of the Fayetteville Code) and adopt a broader, more restrictive smoking ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the People of the City of Fayetteville, Arkansas, hereby repeal **§95.05 Regulation of smoking in certain public places** of the Fayetteville Code in its entirety and enacts the following new **§95.05 Regulation of smoking in most public places and places of employment** of the Fayetteville Code to replace it:

"Sec. 95.05. Regulation of smoking in most public places and places of employment.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. An establishment, whether termed a private club or public establishment, that is

devoted primarily to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant. An eating establishment, including but not limited to dining establishments, private clubs, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives

DRAFT

or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, hallways, classrooms, and employee cafeterias. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility. A "bar" and a "retail tobacco store" are not places of employment for purposes of this Section. An enclosed private office that is not regularly entered or occupied by a nonsmoking employee is not a place of employment for purposes of this section.

Public place.

- (1) Any enclosed indoor area that is used by the public or private club members and guests, except designated hotel and motel guest rooms.
- (2) Any swimming pool owned or operated by the city.

Retail Tobacco Store. A retail store utilized primarily for the sale and use of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) Prohibition of Smoking in public places and places of employment

Smoking is prohibited in all public places, places of employment, and city vehicles unless specifically exempted in subsection (C).

(C) Exemptions. The following types of establishments are exempted from the smoking prohibition of this ordinance:

- (1) Bars
- (2) Retail tobacco stores

(D) Duties of Managers.

- (1) The manager of a place within which smoking is prohibited by this ordinance shall place "No Smoking" or "Smoke Free" signage at the major entrance and other appropriate places within the establishment.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited.

(E) Enforcement.

- (1) City Code Compliance Officers are empowered to issue citations for violation of this section. City police shall also enforce this section pursuant to their normal police power.
- (2) If a manager knowingly permits or fails to make reasonable efforts to prevent smoking by the establishment's customers or employees where prohibited by this section, the manager shall be guilty of a violation and a fine or not more than \$100.00 per occurrence.
- (3) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty (\$50.00) dollars per occurrence.
- (4) In addition to the fines established by this Section, multiple violations of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.

(F) Jurisdiction.

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

Dear City Council,

Although, this letter is address to only one alderman, it is only a rebuttal to his newspaper article. I do believe it necessary for the whole city council to read my response to Mr. Marr's editorial. Thank you for your time.

Respectfully,
Ben Henbest

RECEIVED

SEP 12 2003

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

August 27, 2003

Ben Henbest
(Permanent Address)
2901 West Mt. Comfort Rd.
Fayetteville, AR 72704

Dear Don Marr:

I am a soldier currently deployed "down range" in support of Operation Iraqi Freedom. I have recently sent two letters (one to Mayor Coody and another to the City Council itself) over the issue of banning smoking in public restaurants and work places. After reading your August 10 editorial in the *Northwest Arkansas Times*, I feel I must write another.

Mr. Alderman, in your letter to the newspaper you said that Fayetteville should "set a high and important precedence for Arkansas." I must ask exactly what that precedence might be; is it that we deny the rights of business owners to run their businesses however they seem fit, or is it that Fayetteville will become the city in Arkansas that most resembles San Francisco. If I am not mistaken, it was Stalin that said, "We must look past our individual freedoms." In your article, you referred to many statistics that shows Arkansas as one of the most heavily tobacco-using states in the Union. Does that give you the right to decide for an individual? Not in the America that I am defending.

Sir, you also said that if we "ban smoking in restaurants that our youth frequent, we are setting an example for them to follow." Again, I have to ask what example is that. Are we trying to tell impressionable youth that they are not free; they are not in a free society where our own choices and decisions rule our lives? Or is it that we are living in a country where the government makes our personal decisions and we should simply fall in line? The idea to help reduce the child/adult smoking rate and thus improving health care is an admirable charge. However, a man cannot put his ideals over his common sense or over the constitution.

If Don Marr, the alderman, wants to end smoking, he has every right to join the American Lung Association or other worthy anti-smoking organization. But, Mr. Marr, when you abuse your power of office because smoking is allowed in your favorite restaurant that is asinine and dishonorable. If it bothers you that the prominent restaurants you enjoy dining at on Dixon Street allow smoking, well then find a new place to dine. You must not deny businesses the right to make their own decisions in regards to their own property. Just because the restaurant is open to the public, doesn't mean that non-smokers have the right to dine there free of smoke. This is ignorance. "Open to the public" means that no one can be denied service without due cause. In other words, it doesn't mean that you have the *right* to eat at any one restaurant, but if you abide by the owners restrictions (if any) you can dine with pleasure. So in the issue of public health that you speak of so often Mr. Marr, one can't be affected by secondhand smoke if he/she doesn't eat there, take it or leave it. That is equal liberties, the equal right for an

individual to choose. What you are bidding for, Mr. Alderman is absolute liberties with the right for nonsmokers to have absolute control over the sovereign businesses' right to decide for themselves. I believe that you were confused when you wrote it the other way around in your editorial. I quote, "Many people have spoken about freedom and personal liberties, I would challenge that we are entitled to equal liberties, not absolute liberties." Then why sir, are trying to bring absolute powers to non-smokers?

In the seventh paragraph of your editorial, your wrote that, "No one wants to deny anyone's right to indulge in smoking, only when it affects others." However, it is obvious that you sure don't have a problem with denying rights to store owners or employers. It would also not necessarily affect others; they would use their power of choice and eat at a nonsmoking restaurant or work in a smoke free environment. Mr. Alderman, I don't even smoke, in my job in the army I deal with Iraqis everyday. Almost every Iraqi male smokes, so you can imagine that I have had it with smoking. That doesn't mean that I will be selfish, unconstitutional, or self-righteous in trying to take away someone's God-given right once I return home, whether that be the business owner or the smoker.

In closing, I wish I had never read the newspaper that was sent to my company's headquarters. If it had never come, I would have not been put in such despair. I would not question why I strive to do my duty over here when my elected officials at home are forsaking their duties by not protecting our freedoms with a pen, while myself, and my fellow soldiers protect it with the gun. I am also deeply concerned that you will not see beyond the gray line between right and wrong and that you will not heed my word to keep our citizens free. You see, we do not lose our freedoms in one big gust of wind but slowly over time. It keeps getting nibbled at and toyed with until your bobber goes under the water and you stand there wondering how you let it happen. I along with other Constitutionalists cannot sit idly by and let ourselves be overrun by corruptness. It is my pray that you will not as well. I hope God looks out for Fayetteville's best interest because it is obvious that you will not.

Respectfully,

SGT Benjamin G. Henbest USAR
Tikrit, Iraq

RECEIVED

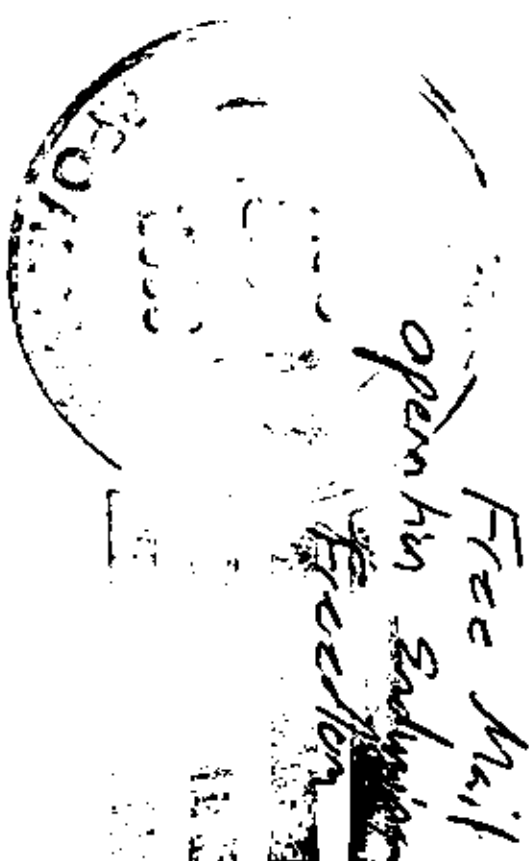
SEP 12 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

بالبريد الجوي
BY AIR MAIL

Sgt Henbest, Benjamin G.
HHC, 4150 362 PSYOP
Unit 92628
APO-AE-09323-2628

Fayetteville City Council
113 W. Mountain St.
Fayetteville, AR 72701



72701+6069





8/15/03

Alderman

Please do some homework on
this anti-business ordinance -
Smoke free Fayetteville. I know
you've read alot of "junk" from the
other side, but what you really need
to see are REAL Fayetteville #15!!

	<u>HMR Tax Breakdown</u>	
	<u>Restaurants</u>	<u>Hotel/Motel</u>
Fayetteville	2%	2%
B'ville	1%	2%
Rogers	0	2%
Silvan	0	2%
Springdale	0	1 1/2%



We collect (charge) our customers
double the tax (Hm) in Fayetteville
(in comparison to Rogers), otherwise they
would be at + 124.70% growth
compared to our - 1.35% - I think
we've got a problem.

This Anti-business way of
doing business is killing Fayetteville,
not helping it.

Wake up - before it's too
late. We really want to stay
in business

Joe

In my speech to the City Council on Tuesday, July 15th, I used the term "this matter" when correctly stated I should have said "proposed ordinance." In the "heat of battle" sometimes words get lost or misused. For the record, yes there was a meeting in my office one or two years ago. I've tried to reconstruct in my mind who was in attendance, (but one thing is certain; Barbara Davis was there because she let us know on Tuesday night. It must have been our only meeting, because I did not remember her face or name.) The conversations I have had with the tobacco coalition over the past months were with Cambre. A very nice young lady and a pleasure to talk to. At the time they called to set up a meeting, I felt it was my duty as a leader in the hospitality industry and the Chairman of Fayetteville's A & P Commission to lend an ear, so I could keep abreast of what was going on. I also try to stay abreast of change, something I've learned after failing at times in the past.

As I said, they presented their case and asked for my support. I'm sure there was sharing of information, ideas, possible solutions or alternatives, but in reality what they really wanted was me in their camp. I told them then as I did for many months that I didn't have a fight in this, because my restaurant was already "smoke free." I told them that we in the hospitality business in general didn't have a lot to say, because there was nothing to support or oppose. The day they filed the proposed ordinance, I read it and responded that NOW I had a position. MY VOICE IS FOR CHOICE. The proposed "Smoke Free" Fayetteville ordinance was never discussed with anyone from our industry. That is the subject matter I refer to in my address to the City Council. They did not consult us, nor care what we thought.

I specifically called Don Marr to voice my objections. I asked Don two questions:

1. Who in our industry had input on the proposed ordinance he brought to the CITY COUNCIL?
Answer – No one.
2. Who did you talk to about the effects this ordinance might have on our local restaurants?
Answer – Olive Garden.

You can imagine my response! I respect Don Marr, but I do feel as a citizen of Fayetteville and a leader in the local hospitality business, he should have at least done his homework. Its not hard to find a local restaurateur. We are either "out running, fishing, or just not working."

So, in response to being called "a liar", I'm not. Is this proposed ordinance good for Fayetteville, "NO." Do we plan to fight, "FOREVER" if necessary. Do we want a better Fayetteville, "YES." Is second hand smoke killing 65,000 people per year in restaurants, "NO WAY." Does it smell, "YES." Do customers have a right to choose where they spend money and their time, "YES."

MY VOICE IS FOR CHOICE

Joe Fennel,
Jose's / Bordinos



**Secondhand
Smoke**



**Smokefree
Advocacy**



**Smokefree
Ordinance Lists**



**Airports
Campaign**



**Tobacco's
Dirty Tricks**



Hot Documents



Ventilation



Preemption



Smokefree Ads

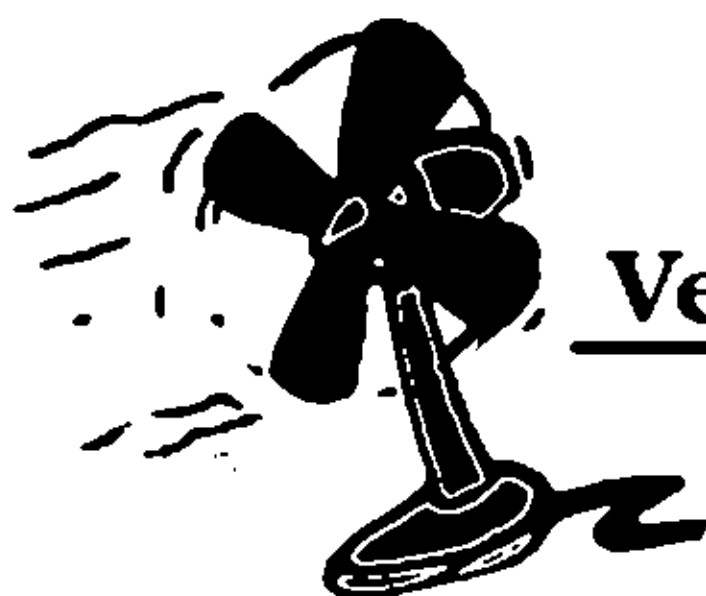


Youth

Americans for Nonsmokers' Rights

Helping you breathe a little easier

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Ventilation

What is the tobacco industry's latest strategy to prevent effective clean indoor air ordinances to protect the public health? Ventilation, ventilation, ventilation.

Please feel free to copy and use any of the publications below, with appropriate credit to ANR or the ANR Foundation.

If someone in your community proposes ventilation in lieu of a clean indoor air ordinance, please [email us](#) and let us know!

Ventilation - Why it Doesn't Protect Your Health

- Ventilation Standards - Progress and Set Backs
- Don't Buy the Ventilation Lie -- [PDF Version](#)
- Ventilation Issues Update
- ANSI upholds smokefree ASHRAE Standard
- ASHRAE Update
- Protecting Nonsmokers from Secondhand Smoke -- [PDF Version](#) ~~XXXXX~~ 1/8/03
- Indoor Air Quality: States Weigh the Science of Second-Hand Smoke -- *State Health Notes* 23(383): pp. 3-6, November 4, 2002. Published with permission of the National Conference of State Legislatures (NCSL).
- There is no safe level of exposure to secondhand smoke, and ventilation systems address only odor, not the health risks concerning secondhand smoke. Have restaurant owners or your legislative champion ask ventilation pushers to sign this warranty. They will refuse to sign or to make any health claims.
- In a March 21, 2001 [Christian Science Monitor](#) article, Scott Roberts, a Honeywell Commercial Air Products sales and marketing manager, admitted that even the most sophisticated, hospital-grade ventilation system cannot remove all smoke and that he could not make health claims for the product. ***Don't be fooled by claims that "new" or "improved" ventilation technology***

can eliminate the risks of secondhand smoke exposure!

- A letter from Honeywell responded to the question "Will filtering eliminate all health hazards known to occur with exposure to environmental tobacco smoke?" by stating, "Honeywell has not in the past and does not make health hazard claims."
- An interesting overview of the history of ASHRAE Standard 62 is: Wheeler, A.E., "A view of IAQ as the century closes," *ASHRAE Journal* 41(11), November 1999.

Big Tobacco Pushes Ventilation

- *Indoor Air Quality Becomes Key Issue for Hospitality Industry -- Bates Nos. 2083910384 - 2083910385*
-- This draft internal Philip Morris (PM) memo describes indoor air quality (IAQ) coalitions and ventilation programs being set up by Options, Philip Morris USA in conjunction with various hospitality trade associations. Quotes are provided from coalition leaders in Texas, Ohio, Florida, and New York regarding the benefits of ventilation in restaurants and bars. The memo contains handwritten corrections to the text. For example, a paragraph that described how customers have become more concerned about "tobacco smoke and its perceived health risks" was crossed out with a handwritten note that it "confuses health issue & comfort issue...." A quote by Steve Riedl, executive director of the Illinois Licensed Beverage Association noted that ventilation can "protect" a business owner's "right to the accommodation policy best for their business." Handwritten corrections of this quote state, "Protect is wrong concept. Can you phrase in terms of reducing the call for bans?"
- *Indoor Air Quality Programs -- Bates Nos. 2047045112 - 2047045122*
-- This document describes the industry's strategy to oppose smoking restrictions. The key to the industry's strategy is to "promote ventilation as the best solution to all indoor air quality [IAQ] problems, including smoking." This document provides extensive, detailed information on industry-supported activities, largely via third-party organizations, to oppose smoking restrictions.
- *Agreement between Philip Morris and the Chelsea Group -- Bates Nos. 2024207276 - 2024207281*
-- Philip Morris (PM) recently began waging a new campaign to undermine local clean indoor air ordinances by promoting so-called 'improved' ventilation technology. The campaign is being waged on behalf of Big Tobacco by the Chelsea Group, a long time tobacco industry proxy. Chelsea Group staffers, including CEO George Benda, Ky Ajayi, and Mary Ann Latko have been taking road trips to hospitality conventions and communities working on clean indoor air education campaigns and/or those that have enacted strong smokefree policies.
- The Anchorage Daily News published an article describing how the Chelsea Group came to town to push ventilation. Even in this article the Chelsea representative acknowledges that ventilation systems cannot guarantee health protections against secondhand smoke.
- Philip Morris (PM) has created a new program which promotes ventilation called Options. A June 2, 2000 press release from PM stated that the Options web site is "an innovative on-line resource for hospitality and heating, ventilation and air-conditioning (HVAC) professionals who want to deal constructively with the

issue of public-place smoking." In addition to the web site, the Options program sponsors "forums for the hospitality and HVAC industries to learn from each other," and provides "support and funding of ventilation technology applications to build awareness and showcase specific indoor air quality improvements." The Options web site admits that, "Options, Philip Morris USA does not purport to address health effects attributed to environmental tobacco smoke.

[Secondhand Smoke](#) | [Smokefree Advocacy](#) | [Smokefree Ordinance Lists](#) | [Airports Campaign](#) | [Tobacco's Dirty Tricks](#)
[Hot Documents](#) | [Ventilation](#) | [Preemption](#) | [Smokefree Advertising](#) | [Youth](#)

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Designed and maintained by Diane Jones.

Ventilation System Health Affidavit

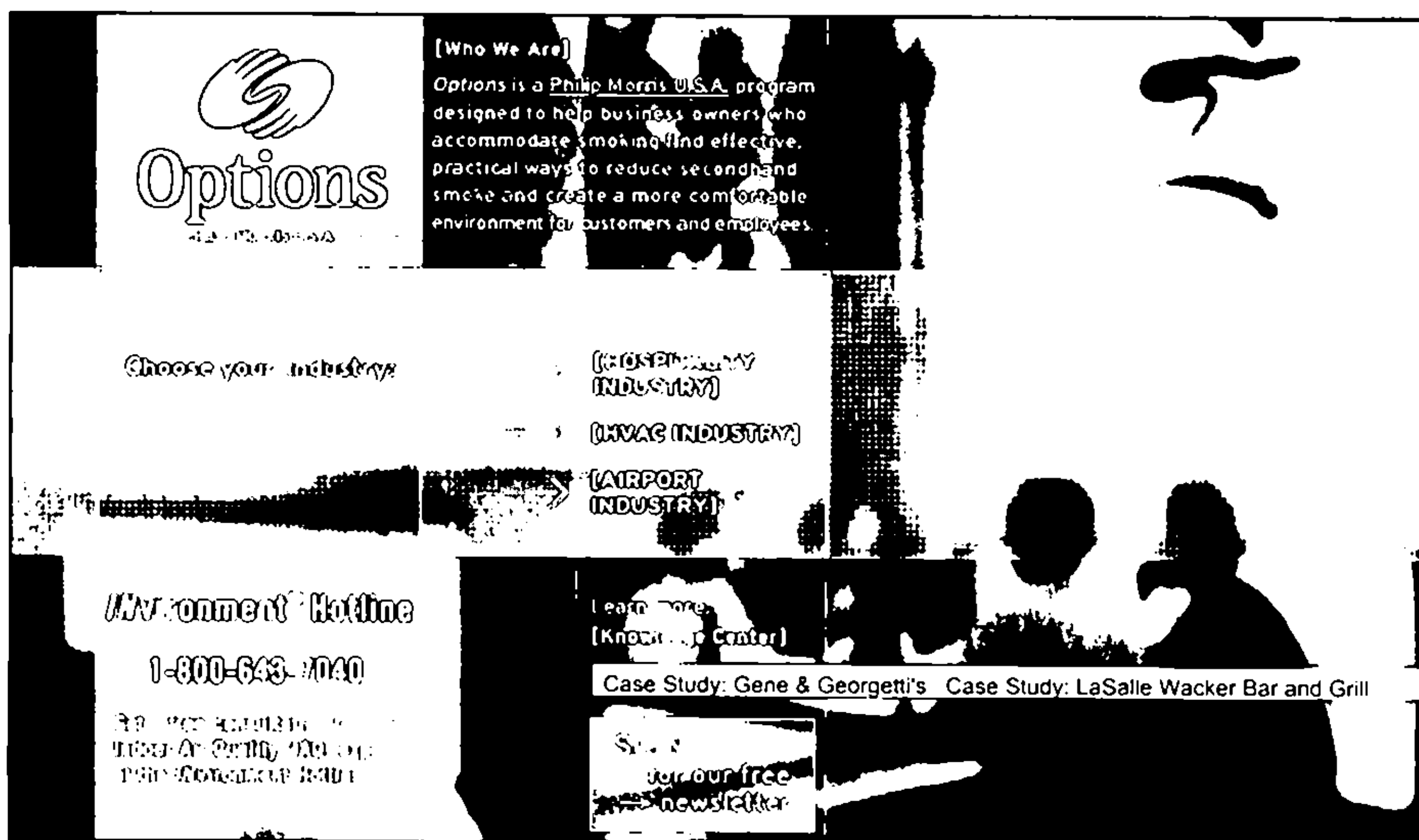
Notwithstanding any other agreement, _____
(hereinafter called "vendor") warrants that when operated and maintained in accordance
with manufacturers' specifications, the ventilation system to be installed at
_____ (hereinafter called "establishment")
specified in the bid or quotation dated
_____ will reduce levels of secondhand smoke below the
level of risk for causing adverse health consequences in nonsmokers including, but no
limited to, effects on the heart and blood; lung and other cancers; and wheezing, asthma
and other respiratory problems. Vendor agrees to indemnify and hold harmless
_____ (hereinafter called "purchaser") for
all legal liability, including legal fees, actual and punitive damages purchaser incurs as
a result of secondhand smoke exposure to members of the public or employees at the
establishment where this equipment is installed. This indemnification includes, but is
not limited to, claims made under workers' compensation, the Americans With
Disabilities Act, and common tort law. This agreement can only be amended or waived
by explicit agreement.

Vendor

Date

Purchaser

Date



Options
Philip Morris U.S.A.

[Who We Are]
Options is a Philip Morris U.S.A. program designed to help business owners who accommodate smoking find effective, practical ways to reduce secondhand smoke and create a more comfortable environment for customers and employees.

Choose your industry:

- [RESTAURANT INDUSTRY](#)
- [HVAC INDUSTRY](#)
- [AIRPORT INDUSTRY](#)

Environment® Hotline
1-800-643-7040

For more information, visit our website at www.pmoptions.com or call 1-800-643-7040.

Learn more:
[\[Knowledge Center\]](#)

[Case Study: Gene & Georgetti's](#) [Case Study: LaSalle Wacker Bar and Grill](#)

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Our programs are not intended to address health effects of secondhand smoke.

¹ The Environment® Hotline is a registered trademark of the Chelsea Group Ltd.

Philip Morris USA

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Secondhand Smoke

Surgeon General Reports

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Policies, Practices & Positions

Customer Service

Health Issues

Secondhand Smoke

Public health officials have concluded that secondhand smoke from cigarettes causes disease, including lung cancer and heart disease, in non-smoking adults, as well as causes conditions in children such as asthma, respiratory infections, cough, wheeze, otitis media (middle ear infection) and Sudden Infant Death Syndrome. In addition, public health officials have concluded that secondhand smoke can exacerbate adult asthma and cause eye, throat and nasal irritation. Secondhand smoke, also known as environmental tobacco smoke or ETS, is a combination of the smoke coming from the lit end of a cigarette plus the smoke exhaled by a person smoking.

The public should be guided by the conclusions of public health officials regarding the health effects of secondhand smoke in deciding whether to be in places where secondhand smoke is present, or if they are smokers, when and where to smoke around others. Particular care should be exercised where children are concerned, and adults should avoid smoking around them.

Philip Morris USA believes that the conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures that regulate smoking in public places. We also believe that where smoking is permitted, the government should require the posting of warning notices that communicate public health officials' conclusions that secondhand smoke causes disease in non-smokers.

Visit these for more information

- > International Research Press Release: Monograph on Tobacco : Involuntary (June 2001)
- > U.S. Environmental Protection Agency: Environmental Tobacco Smoke Research
- > Report of Scientific Committee on Tobacco and Health 1998
- > California Environmental Protection Agency: Report of the Panel on Exposure to Environmental Tobacco Smoke (1998)
- > World Health Organization: Free Initiative
- > US National Cancer Institute: Carcinogens Revised List
- > 1986 US Surgeon General's Report on Health Consequences of Involuntary Smoking
- > The Institute of Medicine: "Clearing the Air: Asthma and Exposure to Environmental Tobacco Smoke"
- > The Journal of the Royal Society of Medicine: "Summary of the British Thoracic Society's report on respiratory health in children..."

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Youth Smoking Prevention

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Health Issues

[Cigarette Smoking and Disease in Smokers](#)

We agree with the overwhelming medical and scientific consensus that cigarette smoke causes lung cancer, heart disease, emphysema and other serious diseases in smokers. Smokers are far more likely to develop serious diseases, like lung cancer, than non-smokers. There is no "safe" cigarette.

[Addiction](#)

We agree with the overwhelming medical and scientific consensus that cigarette smoke is addictive. It can be very difficult to quit smoking, but this should not deter smokers who want to quit from trying to do so.

[Quitting Smoking](#)

To reduce the health effects of smoking, the best thing to do is to quit; public health authorities do not endorse either smoking fewer cigarettes or switching to lower-yield brands as a satisfactory way of reducing risk.

[Low Tar Cigarettes](#)

Smokers should not assume that lower-yielding brands are "safe" or "safer" than full flavor brands. There is no "safe" cigarette.

[Secondhand Smoke](#)

Public health officials have concluded that secondhand smoke from cigarettes causes disease, including lung cancer and heart disease, in non-smoking adults, as well as causes conditions in children such as asthma, respiratory infections, cough, wheeze, media (middle ear infection) and Sudden Infant Death Syndrome.

[Surgeon General Reports](#)

The Surgeon General of the United States has been the nation's leading spokesperson on matters of public health since 1871. Beginning in 1962, at the request of President J. F. Kennedy, the Surgeon General's Office took on the task of reviewing literature on smoking and health and began issuing periodic reports. The first report was published in 1964.

In this section we provide links to the Office of the U.S. Surgeon General, plus links to the complete reports.

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Our goal is to be the most responsible, effective and respected developer, manufacturer and marketer of consumer products, especially products intended for adults. Our core business is manufacturing and marketing the best quality tobacco products to adults who use them.

ABOUT US :[Mission & Values](#) • [Company Information](#) • [Careers](#) • [Press Room](#)**OUR PRODUCTS :**[Ingredients in Cigarettes](#) • [Tar & Nicotine Numbers](#)
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They'll Lis about not sm[Click here for the 2000 Surgeon General's Report on Smoking and Health](#)**View Our TV Advert**

We understand that people want more about tobacco issues as well as actions and positions that Philip Morris takes on these issues.

→ Quitting Smoking

Information & Resources to Help You Quit. [> Learn More](#)

PRESS ROOM

From: <ecypert@sbcglobal.net>
To: <webmaster@ci.fayetteville.ar.us>
Date: 7/9/03 6:26PM

To the Major & City Board...topic smoking or whatever a few want...being a non smoker it is hard for me to understand why a few people [or more] want to change our city from the number one place to live to a enviromental controled city that will leave us at the end of the road. No smoking-how about no cars [as they admit more fumes than cigs.]-should McDonalds or Burger King close??? as they add to the obese of our adults/children...should people who have cancer leave town???..maybe a law against one having a heart-attack..as more people die from these two than smoking....May all of these good doing will help pay for the loss of revenue as we continue to push our people/visitors to the north [Rogers-Bentonville]...It seem to me that a business person should have the right to operate his business within his rights...and if an employee accepts these rights and if customers desire to support this bussiness..what gives you the right to question how he runs his business...Also, we try to cater to out of town travelers/organizations/etc and have been very successful without questioning the smoking issue-so don't think this will not harm this valuable asset...that helps finance our city...Hey! Just had another thought-what about HOME HELP-inside or out-does this mean you are telling the public how to live in their own home???I thought the Supreme Court just ruled that what you did behind closed doors were your own business...ok...the page is full...E B Cypert

July 15, 2003

Dear City Council & Citizens,

My name is Elizabeth Love, of Fayetteville

I am, what many people call, a career server & bartender. I received a Bachelors degree in Hospitality Restaurant Administration, have managed for several companies and opened my own family restaurant, (which is smoke-free). I have enjoyed my profession for the last 14 years, except for being exposed to second-hand smoke. I have breathed my share of second-hand smoke to last me more than a lifetime.

And that is why I am here tonight to let all of you know that I strongly support a smoke-free environment for all employees and patrons.

When I began serving tables at age 16, no one told me that I was entering the most hazardous occupation for women. Compared to other female workers, servers are almost 4 times as likely to die from lung cancer and 2.5 times as likely to die from heart disease. (Source: Siegel, M., Journal of the American Medical Association.) It amazes me that Arkansas has tobacco laws against children under 18 purchasing cigarettes, but they do not have a law protecting them from second-hand smoke as an employee.

I have been the unfortunate server who has had to flip a coin to see who gets to work the smoking section in a restaurant. Sometimes you win, and sometimes you lose. I hated it when I had to work in the smoking section. Not only did I have to walk through a pillow of smoke, but I also had to empty the filth in the ashtray. (I was taught one but, two butts', three butts', you're a butt.) I hate this rule of thumb, but would adhere to it, to increase my chance of getting a larger tip. I would always leave smelly and my eyes would be irritated. Not only was I subjected to the smoker section for eight hours; I rarely made as much money as if I was in the non-smoking section. No one wants to work the smoker's section.

I have also been the unfortunate bartender who has been inside a wrapped bar full of smoke. There is no escape from the fumes. I have felt like, I had fallen asleep at the wheel with my car running, breathing carbon monoxide fumes. It is suffocating.

It may puzzle you why I would continue working in such environments, if the smoke bothered me so bad.

I'll tell you why. Just like every server and bartender, I needed the money.

You don't get the option to say, "I won't work the smoking section." You have to take your turn. You can't ask the patron at the bar to please put out their cigarette, because you don't smoke. You have to suck it up, literally, to make the tip.

I didn't know that I actually had rights as an employee, until I moved to California. I worked as a server and a bartender during the change from smoker-friendly too smoke-free. Yes, I was concerned about my tips declining and business being slow. But it did not happen. I continued to make the same amount of money whether I bartended or served. It was wonderful! I could now make money and breathe.

The owner, I worked for wasn't pleased with the decision to go smoke-free and tried to fight it. He lost, but at the end he actually won. He did not see a decline in his business, like he thought. In fact, his sales have increased every year since. Amazing!

I am now living in Fayetteville, but will not work in any bar or restaurant because it is not smoke-free. I now cater for several fine companies in the area, so I can breathe easier. I have had to adapt my work to accept smokers once again.

It irritates me to no end, to have called the Arkansas Hospitality Association and find out that they believe business owners should decide themselves how to regulate the issue at hand. Their stance is; business owners know their clientele better than city council or their patrons. If business owners do know their clientele so well, they would have already changed to smoke-free a long time ago. Because, the statistics show for the state of Arkansas 74.5% of the clientele are non-smoking and only 25.5% are smoking. (Source: Arkansas Hospitality Association) And, don't let Arkansas Hospitality Association fool you when they say 62.1% favor accommodating both smokers and non-smokers and 29.4% oppose smoking in enclosed working areas. They only polled Arkansas Hospitality Association members, not the public that patronizes these businesses. (Source: Arkansas Hospitality Association)

But what bothers me more, is that the Fayetteville business owners, who are Free Choice are concerned about sales. The bottom-line. If you research the communities that have been smoke-free for more than 2 years, you will find that sales remained stable and many improved. (Source: California Smoke-Free etc...) Also, What about your employees, that you say you care about? Don't forget if it wasn't for us, you would not be where you are today. Do you not care about our health? All of you have the opportunity to make a difference in your business to promote a healthier lifestyle, not only for your patrons, but also for your employees.

I am asking all of you to please pass the smoke-free initiative. You will not regret it. No one is losing his or her freedom to smoke. They can continue to smoke outside, at home, in their car, etc... Just not in-front of an employee who is trying to make a living or a patron who is trying to enjoy a meal or drink. People don't go out to smoke, they go out to drink and eat. Our health is in your hands.

Thank you,

Elizabeth Love
2256 Cottonwood Ave.
Fayetteville, AR 72701
479-251-7416
stvliz@yahoo.com

SMOKING AND BARS

- v The Environmental Protection Agency (EPA) has classified secondhand smoke a Group A Carcinogen—a substance known to cause cancer in humans. There is no safe level of exposure for Group A toxins. (U.S. EPA, *Respiratory Health Effects of Passive Smoking: Lung Cancer & Other Disorders*. Washington, D.C.: EPA Office of Research and Development, December, 1992).
- v Bar employees' exposure to secondhand smoke is four to six times higher than other food or beverage service workers. (Siegel, M.; "Involuntary smoking in the restaurant workplace: a review of employee exposure and health effects", *Journal of the American Medical Association*. 270(4):490-493, July 28, 1993).
- v Bartenders have rates of lung cancer higher than firefighters, miners, duct workers and dry cleaners. (*California Occupational Mortality Study*, California Department of Health Services, 1979-1981).
- v Working one eight-hour shift in a smoke-filled bar is equivalent to actively smoking nearly one pack of cigarettes. For patrons and employees, two hours in a smoke-filled bar is the same as smoking nearly four cigarettes. (Siegel, M.; "Smoking and Restaurants: A Guide for Policy-Makers", *Oakland: American Heart Association, Alameda County Division*, 1992).
- v A non-smoking, otherwise healthy waiter who suffered a heart attack as a result of working in a smoke-filled bar received \$85,000 in a workers' compensation lawsuit. (Ubhi v. State Compensation Insurance Fund, Cat 'n' Fiddle Restaurant, California Workers' Compensation Appeals Board, 1990).
- v According to a recent survey of California bar patrons, 65% approve of the state's smokefree bar law, and 87% report they were not affected or would be "more likely" to visit bars now that they were smokefree; 68% of patrons feel it is "very" to "somewhat" important to have smokefree environments. (Field Research Corporation Survey Data, August, 1998).
- v In another survey, 69% of Massachusetts residents predicted no change in their patronage of bars in response to smokefree policies; another 20 percent predicted increased patronage of smokefree bars. (Biener, L and Siegel, M.; "Behavioral intentions of the public after bans on smoking in restaurants and bars", *American Journal of Public Health*. 87(12): 2042-2044, December 1997).
- v According to a comparison of California taxable sales data for the 1st quarter of 1997 and the 1st quarter of 1998, bar revenues remained constant. ("Comparison of 1st quarter 1997 and 1st quarter 1998 taxable sales of selected eating and drinking places with general on-sale licenses", *State Board of Equalization*, October 1, 1998.)
- v A 1996 review of bar sales tax receipts in cities with smokefree bar ordinances confirms earlier findings that these ordinances do not harm bar revenues. (Glantz, S. and Smith, L.; "The effect of ordinances requiring smokefree restaurants and bars on revenues: a follow-up", *American Journal of Public Health*. 87(10): 1687-1693, October 1997).
- v An economic impact study of San Luis Obispo's 1990 smokefree restaurant and bar ordinance found no negative impact on sales based on sales tax data, and restaurant/bar sales did not increase in neighboring cities as a result of the ordinance. (*The San Luis Obispo Ordinance: A Study of the Economic Impact on San Luis Obispo Restaurants and Bars*, San Luis Obispo, CA.: Taylor Consulting Group, January 13, 1993).



BAR WORKERS ARE ESPECIALLY SUSCEPTIBLE TO SECONDHAND SMOKE

- "Waitress" is the most hazardous occupation for women. Compared to other female workers, waitresses are almost four times as likely to die from lung cancer and 2.5 times as likely to die from heart disease.
- Levels of secondhand smoke in bars are four to six times higher than in office workplaces.
- The most heavily exposed workers inhale the benzo(a)pyrene equivalent of actively smoking 1 to 2 packs of cigarettes per day.
- Bartenders die of lung cancer, heart disease, and other causes 1 ½ times more than all other workers.
- Bar workers breathe 4 ½ times more secondhand smoke at work than if they lived with a smoker.

Secondhand Smoke Effects



Short term

- ✓ headache, nausea, burning eyes
- ✓ coughing, sneezing, sinus irritation
- ✓ impaired concentration
- ✓ asthma attacks

Long term

- ✓ pneumonia, bronchitis, colds
- ✓ worsened allergies & asthma
- ✓ heart & lung disease
- ✓ cancer

Sources: Siegel, M. *Smoking and Restaurants: A Guide for Policy Makers*. University of California, Berkeley-University of California, San Francisco: American Heart Association California Affiliate, Alameda County Health Care Services agency, Tobacco Control Program, September 1992.

Siegel, M. Involuntary smoking in the restaurant workplace: A review of employee exposure and health effects. *Journal of the American Medical Association*, 270: 490-493, 1993.

Double-check
the numbers

314
+20
112

Breakers- 8

RdTC 80

Ants 224

KWITIT 200

OZARKS 114

On the Mark 85

On the Mark 82

34

112

COOL WATER'S 140

38

40

11

14

20

Beer Keg 113

125

Rogers 1056

Common Grounds 61

2658

2842

132

2974

82

~~3056~~

Tim -

Total = 3,450

3056

46

3102

124

42

55

\$3,323

~~3300~~

55

89

~~3300~~

61

3450

Julie Sill	Against Amendments
Eugene Kovach	Against Amendments
Zack Wakefield	Against Amendments
Mary Proctor	Against Amendments
Kirby Sanders	Against Amendments
Catherine Donnelly	Against Amendments
Eli Koscheski	
David Whittlow	Against Amendments
Cole Pruitt	Against Amendments
Anthony McNutt	Free Choice
Judy Wall	Against Amendments
Dr. Jean Gibson	Against Amendments
Zack Wakefield	Against Amendments
Julie Sill	Against Ordinance
Joe Alexander	Against Ordinance
Jeff Collins	Smoke Free
Dr. Victor DeNoble	Smoke Free
Dr. Hershey Garner	Smoke Free
Dr. Jim Raczynski	Smoke Free
Nina Moore	
Elizabeth Mashie	Smoke Free
Kathy Trotter	
Sara Faitak	Smoke Free
Dr. Joel Carver	Smoke Free
Lauren Barrios	Free Choice
Amanda Barrios	Free Choice
Amanda Harrington	Free Choice
Shawn Rebner	
LaShara Doss	Smoke Free
Jim Taylor	Smoke Free
Ilene Lane	Smoke Free
Deborah Henderson	Smoke Free
Walt Eilers	Smoke Free
Susan Foley	Smoke Free
Rita Perera	Smoke Free
Steve Frankenberger	Table
Lynnlea Rubble	Smoke Free
Cambre Home-Brooks	Smoke Free
Eli Koscheski	
Bob Jordan	Smoke Free
Amy Jones	Smoke Free
Chrissy Agers	Free Choice
Dr. Jean Gibson	Free Choice
Shannon Cunningham	
Laurie Rey	Smoke Free
Dillion Ferrall	Free Choice
Jay Pierceall	Free Choice
Richard Maynard	Free Choice
Frances Langham	Against Ordinance
Jan Conrad	Free Choice
Katherine Donald	Smoke Free
David ??????	

Cyrus Young
Sharon Davidson

1. Gene Kovach

Matt Kurch

Mike Young

Pat Butler

Pat Donnelly

Kirby Sanders

Stoney Rollins

Dillion Ferrell

William ???????

Gary Wheeler

George Weiss

Gloria Housley

David Whitlow

Dr. Jean Gibson

Kim Lowrey

??????

Mary Proctor

Terry Payton

Brian Wilkie

Judy Wall

Suzan McConnell

Stephan Pollard

Joe Fennel

Andrea Fournet

Vicky Hilliard

Julie Sill

Jeff Collins

Kathy Grisham

Charles Ball

Phillip Price

Richard Maynard

Rick Schweik

Jim Smith

Matthew Hask

Sandy Prince

Janet McMullen

Cambre Horne-Brooks

Kathy ????????

Mark Wright

Jeane Wilson

David Horne

Elkins

U of A Resolution

Little Rock Doctor

Greens Apartments

Professional

Did not introduce herself

Fayetteville Doctor

Teach Breathing

Common Grounds

Resident of Springdale Grandson of Judy???

Cool Water

Northwest Arkansas Tobacco Free Coalition
Ward 3 resident

Business Owner

On the Mark Restaurants

American Cancer Society

Attorney

Suzanne MacRae

Julie Sill	Against Amendments
Eugene Kovach	Against Amendments
Zack Wakefield	Against Amendments
Mary Proctor	Against Amendments
Kirby Sanders	Against Amendments
Catherine Donnelly	Against Amendments
Eli Koscheski	
David Whitlow	Against Amendments
Cole Pruitt	Against Amendments
Anthony McNutt	Free Choice
Judy Wall	Against Amendments
Dr. Jean Gibson	Against Amendments
Zack Wakefield	Against Amendments
Julie Sill	Against Ordinance
Joe Alexander	Against Ordinance
Jeff Collins	Smoke Free
Dr. Victor DeNoble	Smoke Free
Dr. Hershey Garner	Smoke Free
Dr. Jim Raczynski	Smoke Free
Nina Moore	
Elizabeth Mashie	Smoke Free
Kathy Trotter	
Sara Faitak	Smoke Free
Dr. Joel Carver	Smoke Free
Lauren Barrios	Free Choice
Amanda Barrios	Free Choice
Amanda Harrington	Free Choice
Shawn Rebner	
LaShara Doss	Smoke Free
Jim Taylor	Smoke Free
Ilene Lane	Smoke Free
Deborah Henderson	Smoke Free
Walt Eilers	Smoke Free
Susan Foley	Smoke Free
Rita Perera	Smoke Free
Steve Frankenberger	Table
Lynnlea Rubble	Smoke Free
Cambre Home-Brooks	Smoke Free
Eli Koscheski	
Bob Jordan	Smoke Free
Amy Jones	Smoke Free
Chrissy Agers	Free Choice
Dr. Jean Gibson	Free Choice
Shannon Cunningham	
Laurie Rey	Smoke Free
Dillion Ferrall	Free Choice
Jay Pierceall	Free Choice
Richard Maynard	Free Choice
Frances Langham	Against Ordinance
Jan Conrad	Free Choice
Katherine Donald	Smoke Free
David ?????? whitlow	

Wendy

Mary Alice Serafini	Smoke Free
Bearnard ?????????? Sullivan II	
Amanda Roberts	Smoke Free
Frank Giardino	Smoke Free
Cheryl McMullen	
Penny Wolfe	Smoke Free
Rick Schweik	Free Choice
Al Vick	Free Choice
Sandy Prince	Smoke Free
Kurt Wolfe	Smoke Free
Mary Proctor	Free Choice
Jim Stufflebeam	Free Choice
Kathy Grisham	Smoke Free
Kirby Sanders	Smoke Free
Katherine Venable	
Judy Wall	Free Choice
Bill ????? meyers	

Speakers for City Council meeting August 5, 2003
Northwest Arkansas Tobacco-Free Coalition Some names may be misspelled

* Dr. Raczynski	Gloria Houstey
* Dr. Victor DeNoble	Mark Henry
* Jack Butt	Sara Faitak
Penny Smith	Paul Harris
* Dr. Hershey Garner	JB Hays
* Dr. Nan Smith-Blair	* Rita Perera
Deborah Henderson	
* Dr. Joel Carver	
* Dr. Charles Ball	
Vickie Hilliard	
Howard ?	
* Walt Eiler	
Laurie Rey	
Cambre Home -Brooks	
Barbara Price-Davis	
Pat Butler	
Daniel Gold	
Sandy Prince	
Heather Daniel	
Katherine Donald	
LaShara Doss	
Matthew Haas	
Kathy Grisham	
Chrystal from Gaylord's Cafe	
* Amy Jones	
Kurt Wolfe	
* Carl Tottenmeyer	
Dr. Smith	
Bruce Allen	
Bruce Dunn	
Andrea Fournet	
Susan Foley	
Jeanne Wilson	
* Kevin Dednar	
Barbara Kumpe	
* Mary Alice Serafini	
* Rick Johnson	
* Mike Greenway	
* Amber Abney	
* Jeff Collins	
David Horne	
Steve & Melissa Rogers	

Committee for a Free Choice Fayetteville

	Name	Owner/Patron/Staff	phone
1.	Rick Schweik*	owner - COOL WATER	571-36363
2.	Richard Maynard**	patron	582-1687
3.	Joe Fennel	owner - JOSE'S	521-0337
4.	John Justis	owner - CLUB WEST	442-7337
5.	Mary Proctor	owner - CLUB WEST	442-7337
6.	Steve Frankenberger	citizen	442-8582
7.	Betsy Finocchi	patron	502-7034
8.	Dr. Jean Gibson	patron	587-0227
9.	Kim Lowrey	patron	587-0227
10.	Sandra Reynolds	owner - ROGERS REC	442-3799
11.	Art Stiles	owner - ART'S	443-7113
12.	Frank Whalen	patron	582-3776
13.	J. Pierceall	srv mgr - JOSE'S	521-0194
14.	Neil Crawford	gnl mgr - JOSE'S	521-0337
15.	Frank Giardino	owner - FUZZY'S	502-8940
16.	Brian Chaisson	owner - BIG DADDY'S	582-5901
17.	Mark Wright	owner - ON THE MARK	575-0123
18.	Kelly Wright	owner - ON THE MARK	575-0123
19.	Jade Terminella	staff - COOL WATER	530-2349
20.	Judy Wall	patron	790-2290
21.	Jim Stufflebeam	patron	790-1711
22.	<u>Suzan McConnell</u>	patron	502-7047
23.	Angela Leichner	owner - THE BEER KEG	521-3919
24.	Max Leichner	owner - THE BEER KEG	521-3919
25.	Brad Nabois	owner - MICKEY FINN'S	283-7549
26.	Tony Mallean	owner - BUSTER BILLY'S	251-9273
27.	Jerry Bailey	mgr - COOL WATER	571-3636
28.	Rob Anderson	staff - COOL WATER	571-3636
29.	Brianna Anderson	patron	
30.	Jeremy Cook	mgr - COOL WATER	790-1501
31.	Chris Langhover	staff - COOL WATER	502-6008
32.	Elizabeth Schweik	owner - COOL WATER	571-3636
33.	Ann Hanna	citizen	443-4980
34.	Fred Hanna	citizen	443-4980
35.	Jack Page	patron	443-9950
36.	Neila Page	patron	443-9950
37.	Chip Aldredge	citizen	
38.	Jim DeVore	citizen	443-2258
39.	Sue DeVore	citizen	443-2258
40.	Dub Dunway	owner - QUITTIN' TIME	521-2170
41.	Cory Gayer	owner - ELECTRIC COWBOY	685-2345
42.	Virginia Middleton	patron	443-4675
43.	Zack Wakefield	owner - BIG DADDY'S	582-5901

* Committee Chairman

** Committee Vice-Chairman

44.	Mike Hawkins	patron	521-4295
45.	Jeremy Koeller	mgr - US PIZZA	502-9085
46.	Tim Sanderlin	patron	571-1875
47.	Steve Fox	patron	
48.	Jim Huson	owner - DOE'S	443-3637
49.	Connor Grimes	patron	582-5200
50.	Brian Wilkie	citizen	443-9425
51.	Kari Larson	owner - COMMON GROUNDS	443-9777
52.	Julie Sill	owner - COMMON GROUNDS	443-9777
53.	Gary Pierson	patron	521-5171
54.	Paige Smith	patron	571-2350
55.	Grady Jim Robinson	patron	
56.	Tracey Reno	patron	442-3637
57.	Brittainy Crawford	patron	
58.	Nick Wear	patron	251-8049
59.	Chris Leese	patron	521-0378
60.	James Quick	patron	521-0378

Mary Alice Serafini	Smoke Free
Beamard ??????????????	
Amanda Roberts	Smoke Free
Frank Giardino	Smoke Free
Cheryl McMullen	
Penny Wolfe	Smoke Free
Rick Schweik	Free Choice
Al Vick	Free Choice
Sandy Prince	Smoke Free
Kurt Wolfe	Smoke Free
Mary Proctor	Free Choice
Jim Stufflebeam	Free Choice
Kathy Grisham	Smoke Free
Kirby Sanders	Smoke Free
Katherine Venable	
Judy Wall	Free Choice
Bill ??????	

[illegible]

NAME	ADDRESS
Tea Nio Tice	1913 13 th W. 18 th Ave. Fox, Ar. 72503
Sahack Lee	1413 E. Collins Pl. Esq
Rose Harrison	1707 Cambridge St. Springfield
Arthur Kainwater	18117 E. Van Hook Rd. Century
Doug Reinwater	
Carl Stevens	417 Bacon Ln. Newburg, Ar.
Edmartha Shores	2910 Hayes Street West Fort Smith
Alvin J. Jackson	4257 W. 16 th St. Fayetteville Ark
Jaqueline Johnston	
Glenn Allen	3495 Maunard Ln. Fay, Ark
Charles Henry	64 Boio D'Orle 70901 Farmington Ark
Brian Zalog	64 Boio D'Orle Farmington Ark
Sally Allen	1539 N. 34 th St. Ft. Smith Ark
Debra Allen	" "
John Henry	" "
Mike Vase	1339 N. Albert Pike Apt C Ft Smith Ark
David Fyfe	1339 N. Albert Pike Apt C Ft Smith
Lauren Susan	722 W. 14 th St Smith Ark
Melinda Putman	Ft. Smith Ark
Charmelle Campbell	Ft. Smith, Ark

PRIVATE CLUB

ADDRESS

①

[illegible]

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

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NAME	ADDRESS
Donna J. DeLano	223 Sundown Dr. Farmington
Sam B. Smith	223 Sundown Dr. Farmington
William B. Batten	PO 498 Eldersburg
Conny C. C. C.	PO Box 377 Pharris Dr. Jay
Robert J. C. C.	377 Pharris Dr. Jay
Donna J. C. C.	P.O. Box 130 Fayette AR 72717
W. J. C. C.	320 N. Highway 62 E. P.O. Box 130 Fayette AR 72717
William B. C. C.	189 W. W. Farmington AR.
Patty S. C. C.	P.O. Box 565 Farmington/3880 Woodside Dr. Fayette
Barry J. C. C.	11 11 11
Donna J. C. C.	P.O. Box 1052 Farmington AR 72730
Donna J. C. C.	P.O. Box 1052 Farmington AR 72730

CLUB WEST

PRIVATE CLUB

NAME	ADDRESS
Revelene Parker	505 H. W. C. W. L. e. 4172721
Debra Hull	14703 Baldpate Rd. 4172721
Clara A. Nolan	1539 N. 34 St. 47. Smith, AR 72904
James M. Nolan	1539 N. 34 St. 47. Smith, AR 72904
James F. Fyler	1338 N. 34 St. 47. Smith, AR 72904
James F. Fyler	1338 N. 34 St. 47. Smith, AR 72904
Northack, K. H.	West Fork
Rebecca Miller	3880 A. Ruth Springdale ARK
Oshtly Adams	4300 E. Cambridge Dr. Fayetteville 72701
Britney Ferguson	Elkins
Greg Ferguson	14110 Goshen Tuttle Rd Elkins, Ar.
Carol Johnson	and Smith
Angie Tuck	1217 S. Dunn St #6 Fay AR 72701
Seamus Ferguson	Seamus Ferguson West Fork AR 72727
Wendy	3000 Jean St. Springdale AR 72730
Wendy	4145 McKnight West Fork, AR 72774
Wendy	409 McKnight West Fork, AR 72774
Wendy	401 West Fork West Fork, AR 72774
Wendy	401 West Fork West Fork, AR 72774

NAME	ADDRESS
LEIGH Ann Mear	1901 W. Shady Grove Rd. #52
LEIGH A. Mear	1901 W. Shady Grove Rd. #52
LAMMA C. Cassidy	P.O. BOX 175 Farmington AR 72728
LISTON TULLOS	1600-B Juniper Springfield AR 72704
ROBERT STONE	3609 Johnson Meadows Springfield AR 72729
DAVID STEWART	4633 Cretche Springfield AR
PHIL MUECKE	2671 B. Altou Springfield AR 72764
FRANK BLAND	4223 Water-Bd Springdale AR 72764
ROBERT J. ROLING	4223 Water-Bd Springdale AR
JEFF WILSON	97 Dye Creek Hill Fork AR 72774
DAVID DICKSON	97 Dye Creek Hill Fork AR 72774
THE WILSON	1120 Boy 1120 Ferguson AR 72730
DAVID MOUNT	3440 W. Yale St Fayette AR 72702
LUMBER PASIONS	2168 East Dais #7 Fayette AR 72702
PHILIP YARETTA	3000 W. Adams #417 Temple TX 76504
JOHN PALMER	2385 Hwy Fay 172 Fayette
General Goodell	1212 B. Duval Fayette AR 72705
ARNOLD TILPST	12735 Patton Reso westfork AR 72774
SESS TILPST	11255 Patton westfork AR 72774
JOSEPH MORRIS	1129 W. End #7 Fayette AR 72701



CLUB WEST
PRIVATE CLUB

70

NAME	ADDRESS	72702
Patty Duce	18689 TROUDENDAL AVE. Concord	
Tim Wilson	12865 Fithroy St. Concord	
Angela Housley	10291 Fairview Lane 72701	
Jeff Rice	3435 Howard St	
Julia Brown	4234 N. Valley Lake Dr. Fayetteville	72703
Bruce Brown	4234 N. Valley Lake Dr. Fayetteville	72703
James English	1035 N. Apple St	
James English	P.O. Box 1321 Fairview, AR	
James English	P.O. Box 2364 Fayetteville AR 72703	
James English	607 S. Main Bentonville, AR	
James English	1506 W. E. Hargis	
James English	8103 Hwy 45 Hindsville, AR 72738	
James English	2563 Westgate - Springdale	
James English	20933 Lakeshore Dr. Springdale	
James English	4084 Hargrave Lane Fayetteville	
James English	2367-1 Green Acres Rd. Fayetteville AR 72703	
James English	1903 W. Mt. Comfort Rd. Fayetteville, AR 72703	
James English	10291 Fairview Lane Fay., AR 72701	
James English	10291 Fairview Lane Fay., AR 72701	

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CLUB WEST

PRIVATE CLUB

PRIVATE CLUB

NAME

ADDRESS

Kim Ashmore	17 E Applegate Drive Springdale AR 72764
Jack White	5508 Har Per Av. Springdale, AR 72762
Stacey Dobbie	214 Meadows Springdale AR 72764
Tony Brewer	214 Meadows Springdale AR 72764
Sue Ferguson	2700 Villa Blvd Fayetteville AR 72703
Eve Ferguson	2700 Villa Blvd Fayetteville AR 72703
Sam T. Abbott	2700 Villa Blvd Fayetteville AR 72703
Karen Roberts	17 E Applegate Dr Springdale AR 72764
Paula Adams	3304 Luena Ave Spet. Ar 72764
Don Davis	3411 GARTH Rd Suite 167 Baytown TX 77521
Harold J. Burns	101 E. Main Street, Hotchkiss, Ark. 72730
Ann [unclear]	201 E. Appleby RD Chas. Ark.
James C. Cousins	156 Madison also Kingston AR. 72742
Terry Mensel (Teresa New Sanders)	P.O. Box 968 Gentry AR 72731
Melissa Sanders	108 Summers Springdale, AR 72764
Wesley Archie	9925 Cobble Ln Rogers AR 72765
David Grier	2535 Persimmon Springdale 72764
Richard Whiting	217 Kenner St. PG. AR
Robert [unclear]	
Paul Ramsey	408 W. Clark

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(11)

CLUB WEST
PRIVATE CLUB

NAME	ADDRESS
Anna Drake	10806 Gibbs Rd Springdale AR 72702
Ellen Ferguson	PO Box 26034, Fay, AR 72702
Bob Whitfield	120 1/2 Jeff. Springfield, AR 72764
Orsay	PO Box 342 Elkins AR 72723
Jim	2769 Soudersburg. Fayetteville
Jimmy Whitfield	3123 Rocky Branch Springdale AR
James Clark	1208 S. Emily dr Fay, AR
Russell Hill	316 Booley 103 Laurel Ark
Will Maloney	1001 E. Bailey Sp. AR
Walter Moore	3409 Soudersburg Fayetteville
Sharon Thompson	3410 E 6th Fayetteville 72701
David	775 Shanty Hill Rd Springdale AR 72704
Thelma Keating	2089 Apt. 01 Longview AR
Donna	2037 N. Pearl City. AR
Angela Laffner	1327 S. J. Wagon Fayetteville AR 72703
Shirley Purdon	2314 W. Berry Fayetteville Ar. 72701
Heather Ellis	PO. Box 37, Greenbnd, AR 72737
Shirley Brand	1210 St James Way Fayetteville 72705
Bill Phillips	203 N. Cherry & Soudersburg AR 72704
Zoe Slatt	157 N. Everett Ave Fay. AR 72703

(20)

(70)

NAME	ADDRESS
Keller Smithers	82 Neal St Farmington AR 72730
Michael Smithers	82 Neal St Farmington AR 72730
Sam Bond	4107 E. BRADY SPRINGDALE AR 72762
Ronald J. Bond	Springdale Ark
John Bond	1548 Neal St Fayetteville AR 72701
John Bond	1272 Bridge Street #103
John Bond	1118 Pochie St
John Bond	1118 Pochie St
Manda Barnes	684 W. Martha Way 72703
Bill's Bowerman	PO Box 302 E1 Kings
Jack Bowerman	PO Box 302 E1 Kings
Red Bowerman	PO Box 302 E1 Kings
B J Bowerman	PO Box 302 E1 Kings
Michael G. Bostaff	PO Box 407 CHARLES Ave Springdale AR 72764
Michael Bostaff	407 Charles Ave Springdale AR 72764
Charles Bostaff	64 Bois Darc' Ln Farmington AR 72730
Alma Bostaff	64 Bois Darc' Ln Farmington AR 72730
Valery Bostaff	3119 Habberton Rd Springdale AR 72764
Dee Bostaff	3119 Habberton Rd Springdale AR 72764
Harry Bostaff	20722 Jansen Ave Dr. Hingham AR 72730

NAME _____

ADDRESS

PRIVATE CLUB

8

NAME	ADDRESS	PHONE
WILLIE DOWS	2011 W. 11th St. Ste 104 S.W. 72156	72156
James H. Fry	360 South Lane #43 Fry 72701	72701
Alfred Cook	10991 Fairview Dr Fry 72701	72701
Mark Gray	16001 S.W. St. Simonsville AP 72764	72764
James	809 Rock St Fry 72704	72704
Gene Johnson	102 S. Brandon Lowell AP. 72764	72764
John Cook	405 S. 12th St Fry 72701	72701
Willie E. Eubank	3718 5th St. E. Loud AP	72701
Kenneth Noisewortter	2605 W. 14 Fry AP 72707	72707
John Wilson	438 N. Cedar Springs Rd 72701	72701
Carl Hayes	439 N. Cedar Springs Rd 72701	72701
Carrie Martin	438 N. Cedar Springs Rd 72701	72701
Don Wilson	438 N. Cedar Springs Rd 72701	72701
Bing Wilson	438 N. Cedar Springs Rd 72701	72701
Mark Cook	729 W. 14th St. Loud AP 72745	72745
James Harris	684 W. Martha Fry 72703	72703
Joe Harrison	684 W. Martha Fry 72703	72703
John Tuten	1320 S. Oakland #3 Fry 72703	72703
Michael Stone	1320 S. Oakland #3 Fry 72703	72703
Jim James	20722 James AC Dr Henderson AP 72764	72764

CLUB WEST

NAME	ADDRESS	PHONE CLUB
Johnnie Burkett	4108 Charles Ave Springdale AR 72764	(207)
Dale and Bonannan	108016 Gilbbs Rd Springdale AR 727103	
Brian Woods	Deer Run Apt #302 Springdale AR 727102	
Charita Bonannan	10841 Gilbbs Rd Springdale AR 727102	
Maureen Young	Fox Run Apt #202 Springdale AR 727102	
Vernell Merton	4109 Carleton St. Springdale AR 727102	
Michael Hutchins	Deer Run Fox Run Apt #202 Springdale AR 727102	
Andrew J. Brinkley	19347 7th No B Hill Loop Springdale AR 72714	
Myrael Brinkley	19347 7th No B Hill Loop Springdale AR 72714	
Scott Brinkley	RT 2 Box 190 Springdale AR 72714	
Bill M. West	15 Ash St, Farrington AR, 72730	
Christeen Pacnum	1116 Huntsville Rd. Fayetteville, AR 72701	
Andree Pacnum	2105 SE 9 St Bentonville AR 72712	
Shelene Jacobs	2105 SE 9 St Bentonville AR 72712	
James Parker	201 E Douglas St Fayetteville AR 72701	20753
Lynn Grace	809 Curtis Fayetteville AR 72701	
Tobie Wells	8720 Travis Fayetteville AR 72701	
Frank O'Leary	17 Wedgeland Dr. Little Rock, AR 72205	
Malcolm Christianson	2883 W. Shimmering Dr. Fayetteville, AR 72704	
Kelly Tuten	1326 N. Oak St 3 Fayetteville AR 72730	

CLUB WEST

NAME	ADDRESS	PRIVATE CLUB
Paul Sturdevant	4415 Louisa Ave 72201	19
Velda Sturdevant	4415 Louisa Ave 72201	
Michael W. Allen	107 N. Lofis Lane #3 Fayetteville AR 72701	
Gayle R. Allen	245 Virginia Ave Fayetteville AR 72701	
John Allen	Jocelyn Kamm 5541 W. 2nd St. AR 72204	
Carol Oliver	668 Lindell Fayetteville Ar 72701	
Alison Buckles	105 Putman Fayetteville AR 72701	
Tim Flock	6 N. Duncan #6 Fay AR 72701	
John C. Coker	2398 Dean Solomon Rd	
Wm. J. Miller	1181 SE Campbell Rd. West Fork AR 72774	
John C. Coker	404 W. L. Rogers St	
John C. Coker	404 W. L. Rogers St	
RETURNMEN	PO Box 2236 Rogers AR 72757	
ANNE CAS J. J. J.	2520 Reservoir St Springdale AR 72764	
Wally Collins	4070 Griffin Dr Springdale AR 72762	
Shane Clark	20514 Gar Place Padthamville AR 72705	
Charles Clark	20546 Gar Place Padthamville AR 72705	
Dustin McCarty	2401 Cumming Circle Little AR.	
SHAD MASON	1061 Butterfield couell RD. Springdale AR 72764	
Kella Burkett	406 CHARLES Ave. Springdale AR 72764	

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CLUB WEST

PRIVATE CLUB

NAME	ADDRESS
Georgia Burns	301 Emily Dr. Fay AR 72401
Malie Parrish	2038 W. Shannon #4 Fay AR 72403
Brian Cleenger	1317 N. 54th Fay AR 72403
Pam Gilre	4116 S. Cleveland St Springdale AR 72704
Derek Gilre	4116 S. Cleveland St. Springdale AR 72704
Paul Gilre	417 S. Cleveland St. Springdale, AR 72704
Richard Gilre	417 S. Cleveland St. Springdale AR 72704
Molly James	3119 Hubbardton Rd. Springdale AR 72710
Dave Raine	65 Mecca St. West Fort 72774
Brenda Kelly	1690 Huntsville Rd Fayetteville 72701
Tom BRENNON	20442 Scott Rd Springdale 72714
Robert DeJessen	722 E. Elm Fayetteville 72703
Robert DeJessen	19763 Kuy Geyer Rd Fayetteville 72703
Robert DeJessen	Post 185 Goshen, AR 72735
Robert DeJessen	20442 Scott Rd Springdale 72714
Robert DeJessen	722 E. Elm Fayetteville 72703
Robert DeJessen	1008 Small St. Fayetteville 72701
Mark DeJessen	2121 Lisa Lane Fayetteville, AR 72703
Mark DeJessen	20442 Scott Rd Springdale 72714
Robert DeJessen	5673 GEORGE ST. Springdale AR 72702

NAME	ADDRESS
Sheila Bunnager	309 N. 5th St. Springdale, AR. 72762
Phil Bunnager	12000 Hwy 102 West. Farmington, AR 72730
James T. Tipton	12817 Mineral Springs Rd. W. 72774
James Tipton	16205 Wind Creek Rd. Windward, AR 72959
Rebecca Naufo	16205 Wind Creek Rd. Windward, AR 72959
Ken Nauman	322 Kelli Farmington, AR 72703
James Nauman	23350 Hwy 303 N. Hillsdale, AR 72736
Jeff M. M. M. M.	15580 Seely Rd. West Fork, AR 72774
Jeff M. M. M. M.	2860 North Keyhole Dr. AR 72760
Jeff M. M. M. M.	22754 Raymond St. Springfield, AR 72764
James M. M. M.	1101 S. Broadway, Skatook, OK 74070
Jeff M. M. M. M.	6024 Eagle Pl. Siloam Springs, AR 72761
Jeff M. M. M. M.	2825 Brynne Trl. Farmington, AR 72703
Jeff M. M. M. M.	802 West 6th St. Fayetteville, AR 72702
Jeff M. M. M. M.	110 Calvin Way. Cir. Hollister, MO
Jeff M. M. M. M.	10303 123 Winchester, AR
Jeff M. M. M. M.	1400 E. 204th St. Springfield, AR
Jeff M. M. M. M.	72227 Collier 6th. Fayetteville, AR 72764
Jeff M. M. M. M.	728 Chastain Dr. Rogers, AR 72758
Jeff M. M. M. M.	P.O. Box 1262, Farmington, AR 72703

CLUB WEST
PRIVATE CLUB

NAME	ADDRESS
James F. Noke-Rson	209 Division Stotts City MO
John H. Hendrick	PO Box 153 Farmington
Marcel H. Bellie	10532 S. Kelly Rd. Pine Bluff
Bice Moore	11995 Rancemwood Rd Prairie Grove
DONNA L. Gashin	PO Box 753 Prairie Grove Ark
John D. Bain	PO Box 545 Prairie Grove Ark 72753
Freddie D. Gartin	PO Box 545 Prairie Grove Ark 72753
Joe Doe	14208 Hwy 62 Ark Farmington
Joe Doe	1901 W. 5th St. Grove Rd Springfield
Joe Doe	PO Box 754 Springfield Ark 72705
Joe Doe	141 GLEN E. W. 1st Ark 72730
Joe Doe	13589 N. 1st St. W. 1st Ark 72724
Joe Doe	16116 Hickory Dr. Ark 72704
Joe Doe	555 Betty Dr. Ark 72701
Michelle Greeter	1708 Moberly Moberly Ark 72702
Kim Brewer	1802 Moberly Moberly Ark 72712
Dan Frank	10364 E. Hwy 156 West Fork Ark 72774
Joe Doe	532 S. Hwy Fayetteville Ark 72707
Joe Doe	1675 Sunning Rd Fay Ark 72704
Joe Doe	5642 Michael Cole Dr. Fay 72704

NAME	ADDRESS
Wm. M. M.	82-27 Collier Circle AL 3620
Derald O. Terrill JR	22910 Hwy 303 Hinsville AL 36338
Gregory J. Nelson	156 Madison 5293 ELKINS 2222
Joseph B. Beard	P.O. Box 52 Cahaba AL 36111
Seiffert, Anthony	PO Box 164 Canfield AL 36217
Michelle Snow	P.O. Box 1160 Westville, OK 74965
Wendell Chennell	PO Box 630 Bartlett, AL 36565
Paul J. Anderson	PO Box 283 Wadley, OK 74965
Robert C. Murphy	PO Box 1202 W Elm OK 74960
Ernest Mendenhall	1202 West Elm, Stillwater, OK 74960
Heater Houston	5481 E16 - Elbow 72727
Walter Davis	PO Box 183 Summit AL 36077
Rene Mance	68602 W. Union Rd. Fayetteville AL 36706
John Stokland	108102 W. Union Rd. Fayetteville AL 36706
William J. Buchanan	10558 W. Union Rd. Fayetteville AL 36706
William M. M.	5884 W. Wheeler Rd #1 Fayetteville AL 36706
Delbert M.	123 Wilmoth Decatur AL 36022
Reverend M. M.	123 Wilmoth Decatur AL 36022
Robert J. M.	376815 Adams Springsdale AL 36764
Sam Jones	PO Box 19 Graham AL 36733

PRIVATE CLUB

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SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

(14)

NAME	ADDRESS
Kevin Graham	1666 Ross Ave. Springdale
Gregg McAdams	20331 Ballerina Rd Springdale
John J. J. J.	4574 Primrose Rd. Springdale, AR
Barry Brown	392 Madison 8300 Hindsville AR
Theresa Spencer	2601 Cider Ave. Springdale AR
Bill Cook	2661 Cider Ave Springdale AR
Bruce Doolley	64 Bois D'Ale Ln. Farmington AR
John D. Doolley	64 Bois D'Ale Ln. Farm. Ark
Cindy Matheny	16716 S. Hwy 71 Wimerow, Ar.
Daryl S. Doolley	Rogers
Michael McAdams	Garfield
Angela McAdams	P.O. Box 915 Sulphur Spring AR
John D. Doolley	
Dan Doolley	1110 N. Hwy 101 Rogers, AR 72758

(14)

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NAME	ADDRESS
Wanda Egan	9 Old Depot Rd Farmington, AR 72730
Paul St. Q. Johnson	9 Old Depot Rd Farmington, Ar, 72730
Paul Johnson	9 Old Depot Rd Farmington, Ar 72730
Danley S. Jones	Box Base 1073 Fairview Grove Ark
Lesley Jones	401 S. Low's St Apt 213 Fayetteville Ark 72703
David Jones	Box 630 Springfield Ark 72764
DJ Ellen	3435 Harvard St Fayetteville, 72701
Dustin Child	4234 N. Valley Ave Dr. Fayetteville, Ar 72703
Christopher Long	24 W Keising Farmington AR 72730
Jennifer Hightower	3062 N. Gregg Ave #8 Fayetteville, AR. 72703
Maggie Sheddick	13258 Wheeln Heights Fayetteville Ar 72701
Barbara Killingsworth	15980 Seely RD. west Fork 72774
Billie McShan Killingsworth	15980 Seely RD. west Fork 72774
Tony Oenb	2350 S Vanhose Dr Fay 72701

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NAME	ADDRESS
Emily Clark	PO BOX 214 Coatesville AR 72233
Jane Turner	1327 S. Dineen Fay Ark 72201
Shelley Ducker	2603 S.W. 20th, Bentonville, 72712
Steve Ducker	2603 S.W. 20th Bentonville, Ar. 72712
Sue Maiden	318 Putman, Springdale, Ar. 72756
Kerissa Tice	1413 E. Williams Ave. 72703
Mindy Foster	251 Ecology Dr Farmington AR
Stacy Phillips	PO Box 912 Fayetteville, AR 72703
Mike Weldon	251 Ecology Dr. Farmington Ar
Egon Tillman	PO Box 12 Ellins AR 72727
Phil Lee	263 E Maple Fayetteville AR
Brian Murray	121 E Park St, Lincoln
Cody Hinkle	2701 B Euthiana
John Paragiodakis	Springdale AR.

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NAME	ADDRESS
Don Kuegner	3230 Huntsville Rd Fayetteville
Kathy Wheeler	11990 W. Erian Beck's Farmington
Amanda Blake	1571 N. Everett Hwy Fayetteville
David L. Smith	510 W. Ben St Lincoln AR 72744
Emil Kent	717 Van Hook Fayetteville AR 72701
Carol J. Freeman	2100 N. East Oaks Dr Fayetteville AR 72703
Sam Hill	2177 N. 40th St. Springdale AR 72762
Shirley Stewart	3730 Stewartville Rd Fayetteville AR 72701
Martha Stewart	2784 E 12 Cor Karon Rd. Fayetteville AR 72703
Beverly Land	817 Lindell Ave #8 Fay, AR 72701
Page Carross	7726 Coors Pt, Houston TX 77025
Gayle L. L.	417 Buecker Fayetteville, AR 72744
Alma L. L.	12261 Patton Rd. Fayetteville AR 72701
Johnnie L. L.	8112 Bobwhite Ln. Biville, AR 72712

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(14)

NAME	ADDRESS
Rosemary Reeves	2015 W. Deane St Fayetteville AR 72405
Fred Thompson	16277 Early Rd Fairview
Ronald Byrnes	15226 E 264 Lowell Ave 72745
Donald Byrnes	2868 Wagon Summit Rd
William Byrnes	1401 Old Missouri Rd
James Webb	1355 McKnight Ave. Westport
Tom Albright	1355 McKnight Ave Westfork AR 72774
Blond Glover	797 Dockery Ln. Fay. AR. 72701
James Webb	
Easton Haskill	4000 Appleton Hwy Fayetteville AR
Norman Becking	2089 Brinkley Dr. Fayetteville AR
James Webb	
Joan Mitchell	516 S. East Ave. Fayetteville 72701
James Byrnes	Box 54, Combs, AR 72721

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(14)

NAME	ADDRESS
Bessie Spunk	1507 Greenlawn Dr. Springdale, AR 72764
Of Rice	3435 Howard St. Fayetteville AR 72701
James Dandy	B.O. Box 1122 Fayetteville
Michael Stynes	401 S. Lewis Fayetteville, AR 72701 apt #2B
James Baxter	461 S. Lewis Fayetteville, AR 72701 apt #2C
James	185 Rob. Ferguson, AR
JAMES EDWARD WELLS	1319 Cambridge Ln. Fayetteville
Tristate	1350 Cooperhead Rd Winslow AR 72968
James Vanoyes	503 Miller St. Huntsville AR 72778
Carl Coe	2575 6th #E13 Fayetteville AR 72704
Johnny D. Glenn	11270 Hwy 265 S. AR. 72753
Abby M. Durrell	2038 N. Shannon Dr. Fayetteville AR 72703
Edie Atkinson	" " " " " "
Richard McElwaine	2038 N. Shannon #7 Fayetteville AR 72703

14

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NAME

ADDRESS

~~13~~ 14

Robby Lee	764 Stanc Fay 72701
Jeffrey L. Shubin	13295 Dunbar Ave Apt 50 Fay 72701
Wanda Standley	1607 Main Dr. Fay. Ar. 72704
Ron Standley	2403 Standley Dr. Fay. Ar. 72704
Brenda Standley	2413 Standley Dr. Fay. Ar. 72704
Ken Singleton	3250 Gray ave Springdale Ar. 72762
Emilly Singleton	3250 Gray ave Springdale Ar. 72762
Tason Jordan	1607 main Dr. Fay. Ar. 72704
Diana Jordan	15095 Bonnie Rd. Lowell Ar. 72765
Mike Gantes	15095 Bonnie Rd. Lowell Ar. 72745
Lari Clough	14305 Osage Creek Rd. Springdale Ar. 72762
Jim Clough	14305 Osage Creek Rd. Springdale Ar. 72762
Esther Ellis	7 Brandon St. Fay. Ar. 72703
Dawn A. Hargis	P.O. Box 1321 Farmington Ar. 72736

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NAME

ADDRESS

LAUREL JACKSON	4234 N. Valley Lake Dr. Fayetteville, AR 72703
JOHN JOHNS	1470 ETON DR, Fayetteville, AR 72701
TERRY RICHARDSON	101099 Jack De Fayetteville, AR 72704
DAVID SULLIVAN	1211 N. Oakland #1
MARY PROCTOR	1470 Eton Dr. Fayetteville, AR 72701
SHONDA WHITE	109 N. M. Hefley Lincoln AR 72744
STEVEN SMITH	2620 KAUTZ DR. Fayetteville, AR 72703
LARA AIREN	1310 California Blvd Fayetteville, AR 72701
MELANIE STON	351 NOB WIRE RD SPRINGDALE 72764
HEILA DENSON	22547 Anderson Rd Summer 72769
JOHN ALLEN	22547 Anderson Rd Summer 72769
CHRISTINA STON	1127 Madison 8510 Hindsville AR 72758
EDDY SIMON	1127 Madison 8510 Hindsville AR 72738
LINDSEY BARNES	1214 N. Maestri Rd Springdale, AR 72762
JOYCE BARNES	11568 Ed Edwards Rd Fayetteville, AR 72701
116 Carolyn and Ouida	11550 Ed Edwards Rd Fayetteville, AR 72701

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15

NAME

ADDRESS

Kathy Rodden	814 Rogers Ave 72758
Marty White	3905 Oakland 21st Rd Fayetteville Ar. 72703
Lee Payne	10394 West Jeter Rd Fay, Ark 72701
Charles Chant Lynn	" same
Born Lyons Champsey	1337 Ash st Fayette 72703
Shelly Davis	1911A S. Yarnall Pl, Springdale Ar 72704
Phyllis Davis	" "
Shelly Davis Brenda Glenbecker	826 North - 2nd
Jam Smith	2350 S. VanHoose Dr Fay 72701
Joanne McMillan	2350 S. VanHoose Dr Fay 72701
Paula Parish	2050 Shepherd Chughtarion Ar 72703
Brian Parish	" "
Shonda H Smith	374 Mimosa Fayetteville Ark 72703
Tricia Southaver	399 Mimosa Fay, Ar 72703
Lynn Leubarger	826 North, Fayetteville 72703

15

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COOL CHARTER 

NAME	ADDRESS
Jelly Bailey	648 Park Place Fayetteville AR 72703
Hanna Gordon	514th St Fayetteville AR 72701
Cassie White	5734 W. Legacy St, Fayetteville, AR 72704
Terry Fonomay	705 N Gutenberg Springdale 72762
Sarah Aget	11898 Dogwood Springdale Prairie House 72753
Cheryl Lambhoffer	5 S. West St. Fayetteville Ar 72701
Kelli Simpson	478 Evergreen Hwy AR. 72703
Patricia Strickland	2325 Kautz Lane Fayetteville AR 72703
Jane Sloan	2330 Kautz Lane Fayetteville. 72703
Janice	1730 Holly St. Fayetteville. AR 72703

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NAME

ADDRESS

Charles May Johnson

2717 Elizabeth Fayetteville, Ar.

(John C. Johnson)

2717 Elizabeth Fayetteville, Ar. 72703

Mal A. Johnson

1704 Stewart Ferry, Ark 72703

Jim E. Johnson

16 West Ferry, Ark 72702

John L. Johnson

2285 Oakland Zion Ferry, Ark 72705

John L. Johnson

2363 Greenwood Fayetteville Ark 72705

John L. Johnson

12772 Little Elm Rd. Farmington, AR 72730

John L. Johnson

2785 Oakland - Zion Rd Ferry AR 72703

John L. Johnson

FARZER ST FAYETTEVILLE AR

John L. Johnson

16107 Apple Ln Ferry AR 72704

John L. Johnson

1535 W. Little Rock Ferry AR

John L. Johnson

642 N. Betty Jo Dr. Fayetteville, AR 72701

John L. Johnson

14683 S. Johnson Brown Rd Ferry AR 72704

John L. Johnson

18400 Dickey, Fayetteville, Ar

John L. Johnson

640 N. Garb #D

14

NAME	ADDRESS
Joyce & the Son	1981 W. 1st St. & 1st St.
Nicole & Moore	P.O. Box 34 Combs AR 72221
Scott Wallick	81007 Combs AR 72221
Bakers & Fisher	1344 1386 S.E. James D. Faye AR 7518 N. Baldine - 5th - 72203
George Zosmar	16324 Union Creek Rd. Winlow
Marine & Robert	11209 Alva Hurtt Farmington AR 72730
Henry & Zipp	3243 1st St. S. Combs AR 72221
Chas. Wick	1291 Jean Fay Dr Fay AR 72203
William & Raymond	6442 Betty Jo Dr DR 72201
Marney & Reed	6442 Betty Jo Dr DR 72701
Tom McQueen	916 EVA ADE Fayetteville 72701
Raymond & Margaret	5776 E. 17th St. Rd Fay AR 72701
Donald & Lillian	4234 W. 1st St. Rd. Fay AR 72203
John & Anne	81001 Howard #13 Fayetteville AR 72703
Robert & Mary	2709 Clark Ave Fayetteville AR 72703
Ed & Jean	2100 N. LEWIS ST. AR 72703
LEN & AYE HANKS	2553 FERGUSON Fay AR 72703
Charles & Hank	2553 Ferguson Fay AR 72703
Don & Judith	#14 Grady Ave Fayetteville AR 72715

NAME	ADDRESS
Forrester Dickler	16147 Locust Lane Fox Ar 70104
William Bernhard	1404 N Gregg Ave
Laura Ferguson	13722 Ombel Dr Farmington, AR 72702
James Mohr	21 Davis Road Fayetteville, AR
Amenda Quoten	Rt. 2 Box 472 Huntsville, AR 72702
Janet Mcmillan	916 Eva Ave Fayetteville AR 72701
Shawn Bernhard	1404 N Gregg Ave
John Bernhard	1404 N. Gregg Ave
Michael Jorke	201 Napier Fayetteville AR 72704
Isaiah Johnson	2670 Club Dr. #8 72703 FAX
Shelby Hale	3716 - Wilkins! Fayette 72703
GARY PETERS	504 Prairie Ave, FAX 72701
JOSE R. AUGUSTECZ	6514 Madway Huntville AR 72740
	1918 N Gregg #12 Fayetteville
James Ferguson	201 E. Appleby Rd 72704
Adam McLaughlin	1091 E Hwy 48 Fayetteville 72703
Steve McIntyre	
Debra McIntyre	
Valerie Thomas	272 N Double Springs Farmington, AR 72730
Mary E. Moran	2327 E Magnolia Dr. Fayetteville AR 72703

NAME	ADDRESS
Jeff Beers	11042 B19 Farmington
Jim Blum	2888 N Huckleberry Fayetteville
Mike Johnson	PO BOX 126 GREENLAND OR 972757
Garnie Kamakeeana	5102 Woodington Fayetteville, AR 72703
Lee Powell	12498 Rocky hill Rd. Greer, SC 29615
Pat Lark	511 Pheasant Milled Farmington 29730
King 15080A	900 Klenc Rd. Tontitown AL 35770
Sam Bradley	259 KADIS Knott Hwy 72701
Greg Hughes	910-B Heather Spide Ark 72762
Steve Packer	EAST 16 Fayetteville AR
Dan Yeager	7089 W. WHEELER RD EAY. 72704
Sam Taylor	Lowry Ln. Fayetteville
John F. Wood Blues	0 Millik St Fayetteville
John Hillman	7089 W. WHEELER RD, AR 72704
Michael Watson	2719 N Club #2 Hwy AR 72703
Allen C DUGAN	8 EAST POPLAR FAHETT FAYETTEVILLE, AR 72703 (VA)
Myron Thompson	6554 W. Jean Lyn Dr. Fayetteville
John P. Ingram	990 Park Tree St Fayetteville
Barry Barr	5001 Dayview Tr. Spr 72764
Ericaue Tere	4008 Friendship Rd. Springfield 72764

NAME	ADDRESS
Sharon Overton	6 Foxfield Drive Belle Meade, AL 32715
Marilyn Drake	P.O. Box 1871 Fayetteville 72702
David Jones	16878 Fiddle Rd Fay 72704
Linda Billee	2233 Woodlake Trace Ok 72704
Jacob Barnard	P.O. Box 145 Tonitown
Pat Springer	1903 4th Ave.
Tracy Rogers	2720 Country Club Dr. 72701
Mary Hestrich	28316 Lakeside Drive 72703
Angie Lockme	3000 Rag Road AR
Doug K Johnson	111 N. Florence, Fayetteville, AR 72704
Theresa Jones	3023-B Alicia Ave., Springdale, Ar. 72714
Darlene Thomas	2720 Country Club Fayetteville AR
Barbara	3926 Madison Ave 72737
Paul Linda Reed	218 Main West Fork Ar. 72774
Kathy Underhill	218 Main West Fork Ar 72774
Alan Underhill	584 West Fork Ark 72774
B. Scott Love	201 E. Applegate Fay AR 72703
Greg Cooley	3136 W Gypsum Fay AR 72704
Bill Holmes	4455 Old Union Rd. Fay Ar 72703

NAME	ADDRESS
Barry D. Walburg	3524 Grapevine Dr Springdale AR 72704
Richard R. Baker	110 Weyland Ave Fayetteville, AR
Don H. V.	2880 S. Hunt Ln Fay AR 72701
Carla Parker	335 Redwing Cr 72704
Victoria Burton	1096 Box A Fayetteville 72703
Frank R. Payne	2719 Apt. 1 Fayetteville, AR 72701
Thomas Proctor	335 Box Residue Cr Fayetteville AR 72704
Carla Parker	335 Redwing Cr. Fayetteville, AR 72704
Thimie Grobner	1020 Brogdon St. Springdale, AR 72764
Richard M. Bates	1803 S. 8th St, Ste 2, Rogers AR 72756.
St. Mark Hydrus	831 Broadview Ave Fayetteville, AR 72703
Seth McLelland	3351 3351 Madison Gd 15th AR 72702
Tom Safer	1401 Mission Blvd Fayetteville, AR 72701
Fred Meyer	20015 Natural Walk Springdale AR 72764
Tom Steiner M. Steiner	4336 Burros El Paso Texas "Hot 'em Hons"
Tom Steiner	21906 Mt. Olive Elkins Ar 72727
Tom Nelson	P.O. Box 3181 Fay, Ark 72702
Brent Cook	900 Glenview Fayetteville 72770
	888 W. Lawson 2-F

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NAME	ADDRESS
Margaret New	3205 E Shelton Rd N. Fayetteville
William & Theresa	1162 Radwin
William & Lyle	2472 Robyn Blvd - Fayetteville
John Sharp	14842 Pine Ridge Dr Lowell
Quintonia	4510 Valley Circle NW NE 22212
John Elliott	1520 STARR RD
Alexis Elliott	" " "
Thane Newton	# 230 DUNCAN #2 Fayetteville 22201
Stephanie Luman	2363 N. Seaton Rd. Fayetteville 28704
P. Luman	" " "
Dessie Mowrey-Murder	10298 Oak Cincinnati Rd. S. Lincoln, AR
Alexander & Lyle	3680 Laurel Ridge Springdale, AR
Ann Mowrey	3680 Laurel Ridge Springdale, AR
Lyle Mowrey	4949 Cresson Fayetteville

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NAME	ADDRESS
Charles Johnson	3278 Laurel Ridge Spindale AR 72764
John D. Jones	308 S. Willow Ave Fayetteville AR 72701
Melissa Mayo	1706 Cambridge Rd Fayetteville AR 72701
Kelly Wilson (Denny)	1381 Amber Dr Fayetteville AR 72703
Steve Holtz	3681 E. Quince Blvd Fayetteville AR 72703
Ray Jenkins	3682 Quince Blvd Fayetteville AR 72703
Johanna Edgar	395 Madison Dr Fayetteville AR 72703
Richard D. Edwards	1380 E. 1st Fayetteville AR 72703
Pat Warner	111 Euclid Circle Lowell AR 72764
Steve King	110 Kings Fayetteville AR 72701
John Hawk	17914 Ponderosa Dr Springdale
April Craft	912 Lincoln St. Van Buren AR 72951
Steven Slaughter	1105 Huntington Rd. Greenwood AR
Cynthia Perkins	4444 Custow Fayetteville

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NAME	ADDRESS
Frank L. Kerr	3065 East Shelton Rd, Fayetteville
Jane Combs	2865 Strickland Rd, Fayetteville
Glenn Campbell	2815 Strickland Rd, Fayetteville
David Campbell	P.O. Box 7150 Fayetteville, Ark.
Arthur Gibson	
Barbara Brown	2049 N. Star, Fayetteville
Joe Clark	3031 N. Galloway Rd, Fayetteville 72703
Shirley Brown	3029 Mission, Fayetteville 72703
Barbara Brown	3029 Mission, Fayetteville 72703
Carroll Watson	18580 Keenan Ave, Fayetteville, AR 72714
Paul D. Brown	18580 Keenan Ave, Fayetteville, AR 72714
Bob Still	2557 Golden Oaks, Fayetteville 72703
Elizabeth	P.O. Box 763, Fayetteville 72765
Walter Brown	P.O. Box 1102, Fayetteville, AR 72765
Bill Brown	1900 Smith, Fayetteville, Ark. 72764
Paul Martin	2825 W. 1st, Fayetteville, Ark.

NAME	ADDRESS
Robert Mairs Arthur Mairs	110 Kings Dr Fayetteville, AR 72701
Jasongine	20626 Wade Rd Springdale AR 72764
John James	2944 Wesley Dr Fayetteville AR 72703
John James	4092 Cambridge Fayetteville AR 72703
H. D. Murr	6088 Mission Fayetteville AR 72703
Catherine M. Murr	6080 Mission Fayetteville AR 72703
Karen Clark-Bruce	4092 Cambridge Fayetteville AR 72703
Walt Clark	4301 Clark Springfield, OR 97276
Blondie (Black)	1448 East Ave Fayetteville AR 72701
Jim Campbell	2885 Hickory Ave Fayetteville AR 72703
Alfred Johnson	2941 Shawnee Fayetteville AR 72703
Mary C. Catwisk	322 N. West Fayetteville AR 72701
Din Teller	4301 Clark Fayetteville AR 72701
Jim Spauld	2103 Charleston Cross Fayetteville AR 72703
John S. Ditt	1520 Star Rd Fayetteville AR 72703
John S. Ditt	5178 Walnut St Fayetteville AR 72703
James D. Ditt	116 Forest Ave Fayetteville AR 72703
John Ditt	2822 S. Main Ave Fayetteville AR 72703
John Ditt	Fayetteville AR 72703
Kristin Stallbaeis	550 Rainier Rd Silvan Spg 72761

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Adco

NAME	ADDRESS
RACER MSC LAIN	6371 TALL OAKS DR SODAS Springdale AR 72762
ROBERT MACDONALD	10371 Tall Oaks Dr. Springdale, AR 72762
DAVID MACK	615 W Lafayette St #4 Fay AR 72703
WILLIAM HARRIS	1554 E. Elm Springs Rd, Fayetteville, Ark 72704
MICHAEL JONES	1947 E. Harrison Rd Fayetteville, Ark 72704
TOMMY A. BANKS	1414 N. Maple Fayetteville, Ark 72701
MICHAEL ALAN HUNTER	2200 E. MT RD, SPRINGDALE, AR 72761
JAMES C. MILLER	2200 E. Mountain Rd., Springdale, AR 72761
PAT HILL	1008 N. Wood Susan Springs Ar 72761
BOB SPEDDY JR	3310 Bacht Dr Fayetteville AR 72704
NATHAN McHALL	1227 Southern Heights Dr Fayetteville AR 72701
LORRAINE JENNINGS	541 NW 12TH ST & Rogers Ave 72756
DAVID MARTINO	400C Cambridge Way Fay AR 72701
JIMMY HICKMAN	4103 N. Sullivan Rd Fayetteville, Ark 72704

①

NAME	ADDRESS
D. Green	4103 O S Allen Fay Dr
Mersey LeFauvel	1753 N Garland Fay Dr
Spence Griffin	1660 Howard Fay Dr
Claude Griffin	1660 Howard Fay Dr

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NAME	ADDRESS
Steve Johnson	2670 CLUB DR. Fay 72703
Josh Knight	2640 Firewood Dr. Fay 72703
Kim Kater	1325 E. Cleburn
EDWARD ERICKSON M.D.	2105 ALPINE
Donna Willey	2010 Freedom Fayetteville
GARY JONES	1806 PRESTON WOODS DR.
Jennifer Mangum	2800 S. Seawind Dr. SS. Ar
Mary E. Miller	2327 E. Magnolia Dr. 72702
John Thompson	2853 API #7 Park 2A1C
Shirley	3128 Sunflower Cir. FAY
Zeke	3404 YALE STREET
Dwight Bartholomew	330 Chestnut St
Scott Hedges	3408 YALE STREET
John Hedges	13500 Chaswell Parkway

NAME	ADDRESS
Jennifer Pantak	44 S. Foreg #10 Fayetteville AR 72701
Brandon Cooper	4808 S. Thompson St. Springdale AR 72764
Jared Lane	1318 Puppy Creek Rd Springdale AR 72762
Christa Deunig	2042 Bruce Rutherford Dr. Silversprings AR 72261
Turner Rust	3482 Johnsonbreen Rd, Fayetteville AR 72707
MC ARBOLD	63 SCA + tcd = 10 D Y 43
Andy McEntire	1571 Al Levere #9 Fayetteville, AR 72703
Stuart Cooper	1009 to Moran Place Fayetteville AR 72703
Anna Summerhill	609 at Moran Place Fayetteville AR 72703
Jesley Sifers	1571 Al Levere #9 Fayetteville AR 72703
Eddy Casey	1672 Grande Jo Ex. All 72703
Jana Couch	P.O. Box 632 Elkins, Ar 72727
Amie Aldoto	919 Fried Stone Ct Centerton AR 72719
Daron Deloto	919 Fried Stone Ct Centerton AR 72719
Alison Hummel	500 S. 43rd Rogers AR 72758
Chloe Jade Dalry	1531 W. Canada Ave Fayetteville 72704
Robert Greenman	5343 Mission Bay AR 03
Mark Lorian	1603 W. Ave Fayetteville AR 03
Terry Clark	1263 Levensfield Fayetteville AR 03

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NAME	ADDRESS
Don Henderson	3516 San Diego Dr Fay 72704
Normie Williams	2017 Western Avee Lin Springs 72764
Joel Zemann	1108 W. Hill Dr. Springdale 72765
Richard Webb	2014 Western Avee Lin Springs 72764
Chuck Ramsey	1441 W. Hill Dr. Springdale 72765
Donna Webb	2014 Western Avee Lin Springs 72764
Debbie	2014 Western Avee Lin Springs 72764
Sammy Hysmith	2014 Western Avee Lin Springs 72764
Steve Russell	2014 Western Avee Lin Springs 72764
Alan Buttram	1703 W. Hill Dr. Springdale, AR 72762
James Finlayson	1703 W. Hill Dr. Springdale, AR 72762

(14)

NAME

ADDRESS

4103 O Salem Sq NE

1753 Al Gerkind Fay Ave

1660 Hammond Fay Ave

1660 Hammond Fay Ave

Casa Verde

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NAME	ADDRESS
William Yelby	10 E Davidson 72703
John Reed	1920 E Lafayette 72701
David Proffitt	1138 Crossroads Rd
Michael Howard	1602 Hughes Sts Fayette 72703
Ray Keith	650 W. Center #6 72701
Nathan Graham	4345 Wymon Rd 72701
Therese Cabell	105 Florence St 72704
Leslie H. H. H.	615 S. College Ave Fayette 72701
Marjorie	2014 Lawson Fayetteville 72703
Michael	Farmington
John	15425 Wemy Hare Rd
John	10
John	1180 Timberlake Fayette 72704
John	1632 Boston Place

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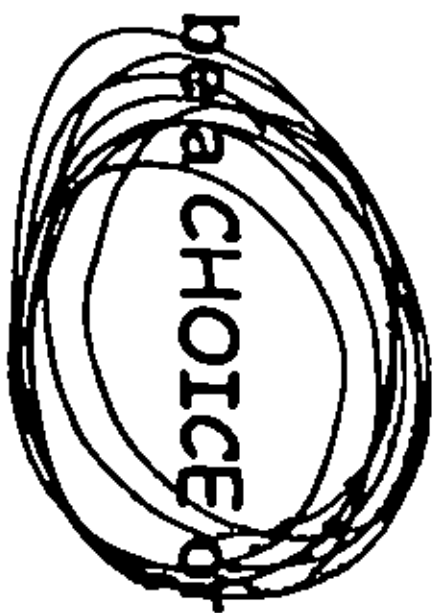
NAME	ADDRESS
Alicia Traylor	2014 W. Lawson Ave.
Shane Brown	2014 W. LATHRON AVE
For Traylor	3217 Bryant St.
Traylor	4100 Milner St.
Carol Johnson	2618 N. Pump Sta. Rd. Springdale, AR 72762
For Traylor	14 E 6th St. Fayetteville, AR
For Traylor	507 S. Commercial St.
For Traylor	711 W. Dickson
For Traylor	1209 BIRCHWHITE
For Traylor	PO Box 46 Dickens
For Traylor	2503 W. 29th St. Ogden, UT

NAME	ADDRESS
Jeff Cober	511 E Fratz Ct Fayetteville, AR 72701
James Allen Waga	2000 W Beaverbrook
Don Wynn	113 Giles Rd Fayetteville AR 72703
Bill Baker	2325 Wellington Dr Fayetteville
Aerial Black	5102 Washington Dr Fayetteville AR -
Paulisa Petty	2072 A Emily Ct. Dr
Theresa Petty	2072 A Emily Ct. Dr.
Dorothy Jones	1200 N Garland 1st St Fayetteville

Guests and Members

Let us know how you feel about making bars and restaurant smoke-free

Do you think it should be a **CHOICE** of GOVERNMENT BAN ?



Scott Hobbs 901 W. Sycamore
Kevin Key 701 W. Sycamore
Apt 51
Apt 51

Heather Bosh Against.
a 734 416 6101

Signature	Address	FOR	AGAINST	Leave it to the Business
	201 OK 3032		☒	
	2715 Concord Ln, Fayette		☒	
	2215 N Winwood		☒	
	900 N Everett St 103		☒	
	1211 N. Everett St Apt. 10		☒	
	2985 Cambridge		☒	
	1815 N. Concord		☒	
	625 W. Jackson St Fayette		☒	
	2034 N. BAYVIEW		☒	
	500 Patricia Spence		☒	
	2110 Countryway		☒	
			☒	

Donna Hays 2000 W. Sycamore
Christal Powell 2024 N. Shannon

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

Post Box

34

IT'S LEGAL!

KEEP IT A CHOICE!



NAME	ADDRESS
Shirah Stuckey	2215 W. Woodward Fayetteville, AR
For Cox	1103 Conway Stangeville, AR
Brian Smith	1930 W. College
Jim Woods	19189 Shoreline way Fayetteville, AR 72703
Susan O'Ferno	134 W. Cleburn Fayetteville, AR 72701
Paul McClelland	2906 N. Stephens Fayetteville, AR 72704
Chet Trindle	5098 Lindsay Ct Fayetteville, AR 72704
Chris Carls	1520 N. Liberty Fayetteville, AR 72703
JOE MARTIN	134 W. Cleburn Fayetteville, AR 72701
Jeff Taylor	3417 Ryan St Fayetteville, AR
Scott	2659 Club Dr Fayetteville, AR
Quenter, L. Jones	1173 S. Maxwell Fayetteville, AR
James Jones	3101 W. Washington Dr Fayetteville, AR 72701
Ray J. Wallace	1500 N. Central Fayetteville, AR 72701
DeKun	124 Springdale

Jose

FREE CHOICE FAYETTEVILLE	BAN SMOKE FREE FAYETTEVILLE	FREE CHOICE FAYETTEVILLE
NAME	ADDRESS	SIGNITURE
1 ED Daman	2938 Whippoorwill Fay	
2 David Bowman	12142 Jim Brooks Rd. ^{Ark}	David Bowman
3 Allen Brown	662 W. Taylor HS	Allen B
4 Sara Stock	1900 N. Markwood St	Sara Stock
5 Brent Marshall	2684 N. Clark Dr.	Brent Marshall
6 John Hanna	6025 E. Ash St Fay	John M. Hanna
7 Martin Faulk	Farmers Ave. Fay	Martin Faulk
8 Misty Coger	939 Oaks Manor Fay	Misty Coger
9 Matthew Moore	710 Cedar Wood	Matthew Moore
10 Stuart Hoskyn	710 Cedar Wood	Stuart Hoskyn
11 Scott Hill	710 Cedar Wood	Scott Hill
12 Jennifer Alre	1634 Addington	Jennifer Alre
13 Spencer Stokes	1976-10 Spinel Link	Spencer Stokes
14 Larson Bergman	2280 W. 6th St	Larson Bergman
15 Harvey Schwirian	260 W 6th St	Harvey Schwirian
16 Rodolfo Naege	9748 Kantz Dr. Fay.	Rodolfo Naege
17 Roberto Gonzalez	2270 Kantz Fay.	Roberto
18 DARRIN Jones	401-B Hill St. Lowell, AR	DARRIN Jones
19 Assad M. Khori	1247 Mt Comfort Apt 13 Fayetteville AR	Assad M. Khori
20 Samantha Eford	10215 S. Bug Tussle Rd. West Fork	Samantha Eford
21 ENEZ R. EL-FAR	711 W. New-LAS ST W2	Enez R. El-Far
22 Devin Grant	788 Rainbow Dr. Apt #4	Devin Grant
23 David C. Zenelli	2332 Old Wise Rd.	David C. Zenelli
24 John Konopka	1554 N Fieldstone	John Konopka
25 Dymek Konopka	1554 N Fieldstone	Dymek Konopka
26 Dylan Ferrell	1322 Cleland	Dylan Ferrell
27 Brandon Katat	4371 Holiday Dr	Brandon Katat
28	1541 Caton Dr	
29 Jacey Kaye	1897 Caton Dr	Jacey Kaye
30 Justin	18136 Wheeler Rd	Justin
31 Lance Weathers	186 Porter	Lance Weathers
32 Amos J. Richter	1555 Sheffield Pl	Amos J. Richter
33	Kanabon	
34	243 W. Green	
35	1243 N. Fiddall Dr Apt 12	
36 Steven Timmes	1243 N. Fiddall Dr Apt 12	Steven Timmes
37	1776 Spinel Link	
38	2196 Cedar Park	
39 Matt Charbonnet	2706 S. Brook Lane	Matt Charbonnet
40 Jim Compton	2209 Sweetbriar	Jim Compton
41 Dennis Maehr	P.O. Box 1301 Farmington	Dennis Maehr
42	40 Lincoln AR	
43	662 W. Taylor	
44	662 W. Taylor	
45 Carrie Dixon	585 N. Scottsdale Dr.	Carrie Dixon

46	Bill Alton	2612 Vancouver Little Rock	Bill Alton
47	Brenda Stuebuck	157 Gatehouse Rd Hot Springs	Brenda Stuebuck
48	Leon Foster	3122 N. Dixie Hammond	Leon Foster
49	Ashley Gregory	2313 W. DEANE ST FAY.	Ashley Gregory
50	Johnny Smith	1500 W. DEANE ST FAY.	Johnny Smith
51	Virginia Hanson	T.S. University AR #1	Virginia Hanson
52	Justin Scheuer	T.S. University #4	Justin Scheuer
53	Curtis Evans	718 W. Treadwell	Curtis Evans
54	Lee Brown	1568 West 6th St	Lee Brown
55	Jennifer Tipton	2728 Kantz #7	Jennifer Tipton
56		#7 FAY AR	Jennifer Tipton
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DON'T DEFACE - ~~WHOSE NAME~~

Signature	Address	FOR	AGAINST	Leave it to the Business
Willard	?		X	O.K.
Zeke Schufz	?		X	OK Yes Yes Yes
Chad R. Campbell	?		X	OK
Chris	42. W. Forsythia #12		X	Yes
David Davis			X	yes. ---
David Davis	21 N. Black		X	YES
PA MS				
Stella Wright	21 N Block		X	Yes
Tan Huddle	1440 Olive		X	Yes
Justin Lowry	1041 Wendy Brooklyn		X	Yeah
Auto Services	14 N. Locust			Yeah
Courtney Campbell	1551 N. Boxley		X	Yes
Kevin Wilson	1551 N. Boxley		X	yes
Jane's Brechtfield	1551 N. Boxley		X	yes
Erad Walden	18703 E. Black Oak Rd.		X	yes
Chad Guthrie	1243 Maple Ln		X	yes
Bob Weiss	1472 Spinnel Link		X	yes
Tyler Leigh	1764 N. Locust		X	yes
Marcus Reid	502 Dusen St.		X	Yes/Yeah!!!
Melissa Flechner	1000 E. Duvall		X	yes
Don Smith	302 Robin			yes please
Zeke Apperson			X	

COURT NAMES - (W)

Signature	Address	FOR	AGAINST	Leave it to the Business
Bernold Roessler	2720 Maryland		✓	
Angela Weissert	2434 Chimney		✓	
Danielle Pickle	116 N. Florence		✓	
Henry Cooper	116 N. Florence		✓	
Brody Bostey	116 N. Florence		✓	
Justin Miller			✓	
Jeff Howard			✓	
Alan P.			✓	
Emily Jackson			✓	
Mike & Jim	2281 McClintock		✓	
Amal Hunter			✓	
Holly Rammal	P.O. Box 108		✓	
Robert H. Kinn	276 Colorado		✓	
Amor Day	326 Cicada		✓	
Di Di	15551 Old Arroyo		✓	
Mike Roessler	2720 Maryland		✓	
Robert Warner			✓	
David Brinkoff	2215 Highland Blvd Rd		✓	YES
Jennifer R. Kelly	508 Forest		✓	YES
Levi Rush	209 Whitth. Hill		✓	
Matthew Seal	682 Crescent Dr		✓	Leave it up to the business
Eric Watt	809 B Highland		✓	

[illegible]

Signature	Address	FOR	AGAINST	Leave it to the Business
Alma Sturdevant	333 Cleburn			✓
Benny Whalen	3410 Art St Sts			✓
Cond Turner	225 Thompson Fayetteville			✓
W.H. Co	300 N. Olive			✓
Don Lavinham	366 N. Andrews			✓
David Bessett	700 Anna P. Apt 2			✓
Kelly Leeding	700 Anna P. Apt #2			✓
Theresa Leonard	380 N. Andrews			✓
Tom Kludner	503 S. College			✓
Mark Covey	21 N. Block		✓	✓
Wade Ogil	1735 Wheeler St.			✓
Jud Noels	2900 Sherpl Ave			✓
Erin Ford	607 N. Storer Ave			✓
B.J. Deimel	1522 Bernice			✓
Anthony E. Ross	805 Rush Dr.			✓
Ryan Wise	578 E. Lafayette		✓	✓
Amber Kelly	7 Treadon Blvd.	✓		✓
Alton Kelly	7 Treadon Blvd.			✓
Jason Duffey	2408 W. Yvonne			✓
Beth Echols	221 East St.			✓
Erica Hayes	223 N. Church #1			✓
Matt Lesner	101 W. Mountain St. #1			✓

[illegible]

SAY NO TO THE SMOKING BAN IN HAYTTEVILLE BARS AND RESTAURANTS

See page 33

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Witchy Yeshy	10 E Davidson 72703
John Reed	1920 E Lafayette 72701
David Proff	1138 Crossroads Rd
Robert Henry	1008 Hughes St S FAX. Hs 72703
Ray Kilbath	650 W. Center St 72701
Nathan Graham	14345 Wymen Rd 72701
Therese Casella-Peggy	105 Florence St 72704
Carol Hs	615 S. College Ave Fax. Hs 72701
Marla Stein	2014 Lawson Fayetteville 72703
Robert Hs	Farmington
John Hs	15425 Viney Grove Rd
John Hs	70 S. Davidson Ave
John Hs	1189 Timberlake Hwy. AR 72704
John Hs	1632 Boston Place

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

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NAME	ADDRESS
Alicia Traylor	2014 W. Lawson Ave.
Shae Lynn	2014 W. LAWSON AVE
Traylor	3217 Briant St.
Traylor	4104 Miller St.
Carol Johnston	2618 N. Pump Sta. Rd. Springdale AR 72762
Jeff Traylor	14 E 6th St. Fayetteville, AR
Carla Traylor	507 S. Church St.
Craig Traylor	711 W. Dickson
John Traylor	1209 BOBWHITE
Donna Traylor	P.O. Box 46 Little Rock
Carol Traylor	2503 W. 29th St. Orlino MO

NAME	ADDRESS
Jeff Cober	511 E Fr. +2 St Fayetteville, Me, ME 72701
Tara Ann Waga	2000 W Beaverbrook
Don Wynn	113 Giles Rd Fayetteville ME 72703
Bill Baker	2325 Wellington Dr Fayetteville
Aerial Black	5602 Wadington Dr Fayetteville Ar -
LISA Petty	2072 A Emily Ct. Dr
Theresa Petty	2072 A Emily Ct. Dr.
Denny Jones	1200 N Garland ^{1st} Fayetteville

JOSES EMPLOYEE NON-SMOKING BAN POLL

THIS POLL IS TO DETERMINE HOW YOU AS AN EMPLOYEE FEEL AND WOULD VOTE FOR A NON-SMOKING RESTAURANT AND WORKING ENVIRONMENT. IT IS IMPORTANT THAT YOU VOICE HOW YOU FEEL. THIS SURVEY HAS NO BEARING ON YOUR EMPLOYMENT AT JOSES. WE ARE SIMPLY GETTING A SURVEY TO COMPILE INFORMATION ON THE SMOKING BAN.

BAN SMOKING	LEAVE SMOKING	NAME	ADDRESS	PHONE NUMBER
	✓	Richard Thompson	Fay, AR 253 Watson	474-4473-7761
✓	✓	Alvin Spivey	311 Trammell Ln Ashdown AR	71822 (403) 277-4072
	✓	NOVA Dawson	296 N. Main Fayetteville AR	72701 442-2312
	✓	NEAL CRAWFORD	610 N. W. Main Fayetteville AR	72701 444-6666
	✓	Michael Saldívar	2331 Deane St #17 Fay AR	72203
	✓	Brice Alexander	1248 Tradition Rd Fay	72701
	✓	John Glanville	1935 W. Stone St Fay AR	72701
	✓	Jennifer Taylor	2854 W. Mt Comfort Fay	571-3765
	✓	ST. PETERS	1628 Forest Tree Springfield 72204	
✓	✓	Paul Walker	1308 W. Persimmon Fayetteville, AR	283-1247
	✓	Shane Dulaney	493 Fritz Ct. Fay, AR	587-0867
	✓	Alan Webb	615 W. Oakland Fay, AR	827-1466
✓	✓	Blair Hargis	834 Rose Fayetteville, AR (501)	276-7476
	✓	Tim Smith	520 Rebecca St	571-8190
	✓	Laura Immekias	1834 Pleasant Woods Dr. Fay, AR	417-840-9114
	✓	Adam Doty	615 Oakland Ave. Fayetteville, AR	72703
✓	✓	Emily Ericsa	P.O. Box 262 Clushen, AR	72735
	✓	WES PINKLEY	5414 Bedford St Fayetteville, AR	72755
	✓	Andrew Nelson	11008 S. Clark Rd. Wash, AR	72744 924-5444
	✓	Rachael Corley	73 Young Rd. Rogers	980-287
	✓	Josh Hillery	3340 Harvard	261-8647
	✓	E. Hayes	223 N. Church #1	283-0503
	✓	John Garrett	309 W. Wedington #1 Fayetteville, AR	442-7811
	✓	Ashley King	2732 Londonberry Dr Fay, AR	72701
✓	✓	Hai Ha	P.O. Box 266 Farmington AR	72730 479-530-3294
✓	✓	Christy Brien	2506 N. Old Will Rd.	
✓	✓	Terry Kell	481 N. Gress #2 Fay, AR	72701 870-329-0885
✓	✓	NEAL WILKINSON		
✓	✓	EVAN LAWSON	3340 Harvard & Fayetteville, AR	
✓	✓	Timmy Key	283 Church St. Fayetteville, AR	
✓	✓	Debra C. Adkins	2575 W 6th B2 Fay	

JOSES EMPLOYEE NON-SMOKING BAN POLL

THIS POLL IS TO DETERMINE HOW YOU AS AN EMPLOYEE FEEL AND WOULD VOTE FOR A NON-SMOKING RESTAURANT AND WORKING ENVIRONMENT. IT IS IMPORTANT THAT YOU VOICE HOW YOU FEEL. THIS SURVEY HAS NO BEARING ON YOUR EMPLOYMENT AT JOSES. WE ARE SIMPLY GETTING A SURVEY TO COMPILE INFORMATION ON THE SMOKING BAN.

BAN SMOKING	LEAVE SMOKING	NAME	ADDRESS	PHONE NUMBER
✓		Sarah Fennel	1166 Woodsey Fayetteville	521-8534
✓		William Swift	13 N. Duncan St	571-5154
✓		Bryan Parker	5710 Arrowhead Fay AR	571-2055
✓		Nat Struble	510 Prairie Fayetteville	313-1989
✓		Shirley Wiggins	4208 Holly Dr.	521-7511
✓		Sarah Chance	1478 Pernice Fayetteville	442-4347
✓		Cricket Crawford	360 AR St. Apt. 102 Fayetteville AR 72701 NP	
✓		Taylor Travis	1521 Hiller Rd apt 12	276-4970
✓		J. Pierceall	705 Putman Apt H1 Fayetteville	283-6614
✓		Tucson Stafford	49 E Rock St. Fayetteville AR	313-7173
✓		Eric Kiley	201 E Appleby Rd. Fay.	256-6844
✓		Glen Camp	1526 Main St. Fay. AR	72701 502-0413
✓		Kelly Larsen	2101 ORA Dr Fayetteville, AR	72701/443-5773
✓		Robert Smith	914 gregg Fayetteville AR	72701 502-0992
✓		Joe Fennel	1655 Woodsey Fayetteville AR	72701 521-0337
✓		Melissa Pruitt	11635 N. Fieldstone Ave AR	72704 413-7283
✓		Brian Kelley	356 S. University - 405	590-6869
✓		Amber Secrest	545 N. Gregg Apt D Fayetteville	419-443-7621
✓		Robby Mohr	1221 Mt Comfort Apt 1 Fayetteville	479-459-3210
✓		Michelle (B. V. N. M.)	2144 Ora Dr. Fayetteville	521-0192
✓		Drew Lewis	114070 Bonview Fay AR	72703
✓		Molly McGraw	118 E. Lafayette	72701 571-2804
✓		Shannon Swais	921 N. Garland Fay AR	72701 977-6585
✓		Kevin Bryant	18832 Lake Sequoyah Dr Fay AR	72701
✓		Maggie Mowry	104 Michelle	313-0226
✓		Wes Mouser	1622 Broadview Dr.	521 5715
✓		Hugh Shannon	2419 W. Yvonne Dr. Fayetteville	283-2862
✓		Jose Rio	114 N. Olive Ave Fay.	442-2735
✓		Chris DiLorenzo	326 W. Rollston Fayetteville	551-1763
✓		Maira Padilla	3465 Buckeye Fay AR	502-0626
✓		Saad Garrett	1309 Wedgstone 1 Fay, AR	72704 442-7811
✓		Stacy Dease	227 Summit Ave Fay, AR	72704
✓		Cale Feroel	1155 Woodsey Ave. Fay Ar.	72703
✓		David Telinek	308 S. Gregg Ave.	

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~~JOSES~~ EMPLOYEE NON-SMOKING BAN POLL

THIS POLL IS TO DETERMINE HOW YOU AS AN EMPLOYEE FEEL AND WOULD VOTE FOR A NON-SMOKING RESTAURANT AND WORKING ENVIRONMENT. IT IS IMPORTANT THAT YOU VOICE HOW YOU FEEL. THIS SURVEY HAS NO BEARING ON YOUR EMPLOYMENT AT JOSES. WE ARE SIMPLY GETTING A SURVEY TO COMPILE INFORMATION ON THE SMOKING BAN.

BAN SMOKING	LEAVE SMOKING	NAME	ADDRESS	PHONE NUMBER
	X	Chrissy Sanderson		
	X	Angela Stern	Fayetteville	
	X	Amber Nelson		
	X	REBECCA GRAY		
	X	Jeanie Wendt		
	X	Kelly Landgraf	(Elizabeth)	
	X	Jason Scott	Fayetteville	
	X	Kashy Giddens	Fayetteville	
	X	Michelle G	Fayetteville	
	X	W. Hens	Fayetteville	527 6795
	X	Cheryl Miller		
	X	Thick Bossert		
	X	Alex Bossert	Fayetteville	
	X	DARIN BATES		
X		Maggie Johnson	Fayetteville	
	X	Jason Meyer	Fayetteville	
	X	Daniel		

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OZARK BREWING COMPANY EMPLOYEE NON-SMOKING BAN POLL

This poll is to determine how you as an employee feel and would vote for a non-smoking restaurant and working environment. It is important that you voice how you feel. This survey has no bearing on your employment at Ozark Brewing Company. We are simply getting a survey to compile information on the smoking ban.

BAN SMOKING LEAVE SMOKING NAME ADDRESS PHONE NUMBER

☒		Isaiah	524 V. Lafayette	582-4540
☒		Willie	2963 Dorothy Jeanne	
☒		Shawn Ross	114 W. 5th Fay	502-1386
☒		Bohannon	114 W. 5th Fay	502-1386
☒		Don Yednick	337 N. Gregg Hwy. Fay	966-0212
☒		DAVID ROBERTS	4419 CHEYENNE DR. Fay	587-8327
☒		RON DORAN	122 N. Aqua Crossing	502 4628
☒		Raymond Jones	2963 Dorothy Jeanne	
☒		Austin Marsh	718 Treadwell St. Apt. B Fay	
☒		Scremy Smith	1777 West Preservation Dr Apt #1	236 6420
☒		CASEY GROSS	617 MOAN PL. FVILLE, AR	72703
☒		Dan Dixon	337 N. Gregg Hwy. AR	72701
☒		Shannon Daise	110 N. Church Ave. Fayetteville AR	72701
☒		Sarah Watson	2081 Dime Dr. Springdale AR 72764	442-7012
☒		Leea Triemuth	1259 Fieldstone Ave.	
☒		Christy Abouzeed	2924 N. Susan Carol Fay AR	283-4330
☒		Georgel Schaal	1221 Mt. Comfort Rd. Apt. 1 Fay AR	72701
☒		Sarah Peterson	830 Rose Ave.	
☒		Roxanne Hill	2958 Wildflower Fayetteville	
☒		Don Reeves	11603 Leverette Apt. 5	
☒		Maureen Roberts	3107 Backus, Springdale	
☒		Ryan Guyton	109 UNIVERSITY, FAY	72701
☒		CAIT Kennedy	109 UNIVERSITY, FAY	
☒		Roxanne Hagan	7641 Jester Oak Whitesville, KY	
☒		GRAFFON PLACH	Lexington, Ky	
☒		Mary Bassett	8025 College Foul DR	527-9603
☒		Dorian Wagner	309 S Block Aft. #1	
☒		Kimber Leane	309 S Block Apt. #2	

OZARK BREWING COMPANY EMPLOYEE NON-SMOKING BAN POLL

This poll is to determine how you as an employee feel and would vote for a non-smoking restaurant and working environment. It is important that you voice how you feel. This survey has no bearing on your employment at Ozark Brewing Company. We are simply getting a survey to compile information on the smoking ban.

BAN SMOKING	LEAVE SMOKING	NAME	ADDRESS	PHONE NUMBER
✓		Amanda Garrett	1725 Oak Ave	521-7275
✓		Paul Jennings	670 Mathews Dr	587-9194
✓		Andrew Phillips	303 Sweet Ln	841-1128
✓		Jonathan Street	915 Peachtree Dr	446-4608
✓		Sam Giddens	1427 Choctaw	601-2924
✓		Burg Bailey	850 Windyhill	521-5315
✓		Brian Lowe	340 LAFFAYETTE #2	501-4294
✓		Steve Tramm	2123 W. Lamar	521-6083
✓		Mike Ransom	2123 W. Lamar	521-6085
✓		David	P.O. Box 21	202-2445
✓		Mike	1449 Dick Smith	927-9440
✓		MIKE McCullough	784 TEXAS Way	521-0837
✓		David Felipe	212 S. 8th St	FAY 72701
		D. Patton	1266 Deane	521-1782
✓		J. Beard	2733 North Club Drive #4	33-8623
✓		Ann Colman	606 W. Stuart	443-1514
✓		Bessie Crisler	857 Peachtree Dr	973-0939
go outside to smoke!!				
✓		Lou Alderson	1703 Stewart St. Fay	442-4823

SAY NO TO THE SMOKING BAN

IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Greg Mendez	PO Box 4496
Deborah Bushman	306 Ella St Jay
Mudd Duns	2575 W 6th St B-9
Heck Datter	687 Lindell
Barry	Sas S. Dunsmuir #3
James A. Harris	14495 Greenbriar Hwy.
Paula Hise	16116 Hickory Dr Jay
Paula Hise	303 Emerald Park Springfield 72768

[illegible]

PRINT NAME

NAME	ADDRESS
Amy Greyer	2388 Meandering
Marye Scanlin	2900 Quail Creek Dr
Thompson	1851 East Main
Misty Church	4438 N Tom Perry
Jan Church	" "
Jerry Ash	
Diane Williams	1251 Hendrix, Tex.
Paul Hendrix	1251 Hendrix, Tex.
Cil Wagner	105 Skyline Drive, Fayetteville
Jeff Brown	2205 Dogwood, Springdale.
Byron Kell	Maple, Fay
Debra Wilson	2708 W. Fayetteville, AR 72704
Billy Wilson	2708 W. Quail Fay AR 72704
Shirley Wilson	4200 S. Broadview Fayetteville AR 72703
Mary Ella Earle	913 East Jackson Fay AR 72701
Justin J. Waring	41 S Gregg Ave #1 Fayetteville AR 72701
Brandi Lyon	458 W. Douglas St. Fay. AR 72701
Thomas McInty	P.O. Box 2781 Fay. AR 72702
Michael Disney	PMB #122 1826 N. Crossman Rd Suite #1 Fayetteville
Cynthia Lynd	821 Broadview Fayetteville

Print Name

NAME	ADDRESS
Terry Edmonson	11897 Oakhills dr Bentonville AR 72712 273-0577
Maureen J. J.	10909 Towle Lane, Ft Smith AR 72908 924-1100
Dee Dee Biddle	Jamie
Angie Bannan	2419 West Yvonne Dr. Fayetteville, AR 72701
Justin Calhoun	115 W. Main St. Fayetteville 72701
D. Jean Gibson	683 Cliffside Fay 72701
Kim Lowrey	683 Cliffside Fay 72701
Darryl Landel	1101 S. 27th St
Patricia Turner	2243 Kautz Lane Fay 72703
Robert Turner	3547 Willow Grove
Doug Blylock	PO Box 233, Fay 72702
Vicky Sciafani	466 W. Willoughby Rd. Fay 72701
Alan Ostner	111 S. West Ave. Fayetteville 72701
Debbie Baker	3111 Navajo Ct Fay AR 72701
Charles Cate	Indian Hills Apts #C1, Fay 72701
Sammy Moore	1453 East Zion #34
W. Moss	505 W ASH
Phyllis Kirkland	4400 Cody Ave Springdale AR 72762
Laurie D. Ukend	12823 Mineral Spr. West Fork
Brita Eden	1504 Moran Spd. Ar. 72762

Print Name

NAME	ADDRESS
Edna Harvey	1063 Valley View Dr. Fayetteville
Logan Campbell	3636 Caro Sags Rd Fayetteville, AR
Josh Hillery	3340 Harvard Fayetteville, AR
Josh Harvey	5 BRENDA DR. FAYETTEVILLE, AR
Melissa McDowell	2648 McKay St Springdale, AR 72762
Melissa Pruitt	1635 N. Fieldstone, Ave, AR 72764
Jenny Brubaker	1717 Wheeler St Fay, Ar. 72703
Angela White	"
Larry Brubaker	6455 Mack Prairie Grove, Ar. 72753
Barbara Hawthorn	101 Locust St. Fayetteville, AR 72701
Lisa Leonard-McComas	105-2 Industrial Park P.O. 72753
Yolanda Foshee	2472 Jane Cr. Dr. Fayetteville 72704
Charity Allen	601 S. Dyer Springdale, AR 72762
Harry Webb	615 N. Oak Ave. Fayetteville AR
Shirley Lee	494 E. Prospect Fayetteville AR 72701
Julie Glenn	11588 N. Hwy 170 Farmington AR 72730
Terry Thjelen	118 E. Lafayette Fayetteville, AR 72701
David Long	902 WALTER Fayetteville 72701
Benny	3304 Orchard Way
Jimmy Carey	336 Adams St. Fay. AR 72701

NAME	ADDRESS
BLAD Kuyper	834 Moss Ave. Fayetteville, AR 72701
Emily Moss	834 Moss Ave Fayetteville, AR 72701
Dustin Wolff	630 Moan Fayetteville, AR 72703
Brandon Martins	630 Fayetteville AR 72703
Freddie Osborne	2225 Leaskfield Fay 01
Chris McMaister	1558 W. Pau Drive Fayetteville
Ally McMaister	625 West Dickson Apt 7C 72701
Nanna Winters	3803 Mulvey Stone Blvd 72712
Kelly Larson	2144 ORA Drive Fayetteville, AR 72701
Molly Bittle	2455 Gentle Dakes Fay. 72703
Matthew Stafford	49 E Rock St. Fay. AR 72701
Jose Rios	114 N. Olive Ave.
Uckie Bashaw	414 Oak Manor Circle Springdale, AR
Ben Beaton	414 Oak Manor Circle Springdale, AR 72701
Rae Sem	919 A Canby Springfield 72764
Quinn Crawford	3600 Arkansas St. Apt 102 Fayetteville AR 72701
Bobby Sifton	716 Rockliff Rd Fayetteville AR 72704
Wendessa Thomey	420 W 7th Fayetteville, AR 72701
Brent Baddis	14511 W. Hwy 12 Gentry, AR
Standa Mcgarity	14511 W. Hwy 12 Gentry, AR
Olli Rymuok	411 S. Gregg #8 Fayetteville, AR 72701
Laura Immekus	1834 Pleasant Woods Dr. Fayetteville, AR 72703

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

124

NAME	ADDRESS
Debrae Pierceall	705 W. Putman, H4, Fayetteville, AR
Alan Pearson	242 W. Mountain Fayetteville, AR 72701
Michael Ray Saldinas III	2331 Pearce St Fay, AR 72703
Lisa Mohnen	47 S. Gregg #11 Fay, AR 72701
Shirley Bradley	5132 Rockford Apt, Fayetteville, AR 72701
Denise Grandin	2919 Wright Pl, Fay, AR 72701
Christine Kidd	8472 Hindsville 72735
Robert Ray IV	1070 Bonnie Ln Fay, AR 72703
Helen Skalla	346T Baker Fay 72701
Ani Kelly	3343 Buehly Fay 72704
Lorrie Powell	Mountain St. Fay AR 72701 72701
Hyun Jones	Levenette St Fay AR 72703
Emily Gimesa	P.O. BOX 2102 Goshen, AR 72735
James G. Smith	510 Prairie Fay, AR 72701
W. J. J. J.	5089 E. Huntsville Rd. Fay, AR 72701
Termy S. Jones	2462 Kautz Ln. Fayetteville AR 72703

Weekly FINN'S

42

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
IL JENNINGS	2923 Riverside Dr Fayetteville, AR 72704
Andy Miller aka BUT LOVE	2453 VANCE DR. FAYE. AR. 72703
STANLEY	2453 VANCE DR. FAYE. AR. 72703
Mike Rogers	2317 E. 3rd St - 1129 WATHS OK 74104
Shane M. Hill	1003 E 951 S Mywell Dr 74960
Steven J. Searles	3149 Elizabeth Ave 72703
AVON & PHOTOS	940 DOUGLAS 72701
John Allers	210 S Crossacre - 72701
Crystal Bartholomew	15893 Bethel Bladrop P.O. Box 72753
Jon Chancellor	558 HILLMAN, FAY, AR 72701
Michael Blackburn	1133 W. Dean St. Fay, AR 72703
Christy Digby	1133 W. Dean St. Fay, AR 72703
ERIC ALEN	1202 # 2 HUGHES FAY, AR 72701
Wally	11996 Windsor Rd. West Faye, AR 72704

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Ernst W. Oath	2426 W. Valley Drive
Brandon Humphries	417 Oak Manor
Michalos Spears	516 Robin Hood Ct.
From 3rd St S. PAULINE HALL	Room 33 Freese
CHUCK HOUTLAND - NONSMOKER	627 N. CURTIS AVE.
Jim Baker	505 CHARLES AVE. SPRINGDALE
Robert W. Beck	1458 LITE OAK DR. FAY, AR.
Lauren Clark	1175 W. LEROY ROAD
Matthew D. Cooner	1175 W. LEROY ROAD
Paul Potter	219 W. MAGNOLIA #5 FAY, AR.
Ann Gabeira	364 N. WOLF #3 FAY, AR 72701
Steve Luvoni	357 N. WASHINGTON PL. - FAYETTEVILLE
Patricia	357 N. WASHINGTON PL. FAYETTEVILLE
	1919 Hartford Drive

From Jeremy from Copper bar

55

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
David Woodard	401 The Smoke
Don Bullgren	3201 Woodridge St Fayetteville
Ed Kunkin	1703 Nettleship Way Fayetteville
ELMOR (W) Hensley Jr	1101 1101 Oak St Fayetteville AR 72701
Jeff Johnson	1614 Red Tip #9 Fayetteville, AR 72701
Jeff Wint	3 N. Duncanson #1 Fayetteville AR 72701
Jon Hensley	4083 Apt B, Highwinds, Springdale AR
Sharon Deal	14480 S. Hwy 1 PO Box 72701
Paul Zorn	97 Space St Fayetteville AR 72701
Myr Bass	PO Box 4648 Fayetteville AR 72701
David Fowler	304 N. West Ave
Charles Klotzsch	6411 N. Whitman #2-2
Melissa Wray	406 S. EAST AVE. Fayetteville AR 72701
Eric Billings	2200 Oak St. Fayetteville AR 72701

NAME	ADDRESS
John FRIAR	3789 WYMAN RD 72701
Jeremy O Sexton	13415 WOODST AVE APT 3
Jeff Falk	1819 Albany 72704
Tommy McBe	1832 Feildstone
A.J. SCHWEDTGER	524 1/2 E. REBECCA RD. AR
Richard Brant	14170 Wall'n Mt Rd West Fork AR 72774
Jame Griffin	159 Hill Street Farmington AR 72730
Angela Dunkum	139 S. Virginia Fayetteville, AR 72701
Philip Eideaults	230 S. Atwater Ave Fayetteville
Paul Hamworth	2043 Chestnut St. Fayetteville 72703
Joshua Mac Donald	1060 Eagle Fayetteville AR 72701
Julia CREVER	15 W. PERSPECT APT A2
Paula Crane	"
Doris J Allen	238 S. Church Ave (STACKBRATS)
Courtney Friend	2'E. 28th Cr. Fithl AR
David Bureau	932 N. Highland Hwy. AR
John DeJure	932 N. Highland Hwy. AR
John Detwiler	932 N. W. DUNDY AR
Chris Denny	436 Alton St. Cave Springs AR 72715
Van Peterson	732 W. NEW HIRE RD RIVERS AR

NAME	ADDRESS
Arminie Thompson	1411 1/2 N. 1st St. SEASIDE, AR
Orville Rastan	College Ave Fayetteville
Kenin Williams	733 PRAIRIE Fayetteville AR
Wagner Hester	610 N. Gregg Ave
Donald A. Ray	1933 Paris Fayetteville
William H. Ray	
John H. Ray	
Gustav Simen	1777 W. Preservation Dr.
Jerome Smith	11 11 11
John H. Ray	
Bruce Reist	3058 Benson Hollow Rd Fay. AR 72701
Paul Katie Dettling	2 E 2nd CR, Fayetteville, AR 72701
Joe S. Hester	
Jerome D. Allen	43 W. Augusta Dr #11
Will Dettling	2285 Mill Fayetteville AR 72701
Richard Smith	114 S. School
Janice Lavasnee	120 Black St
Whitney Watts	550 Huntsville Rd 72701
Wesley Carter	228 S. Mill Fayetteville AR 72701

NAME	ADDRESS
Phillips of Gardner	2144 Cedar Street, Fayetteville, AR 72701 443-5193

COLTIT

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Morgan Blewins	2554 W. Vycamore
PT 13199 T.H. 11	2556 W. Sylamore
Mickelle Leatherwood	424 W. Poplar St.
Louise McLinn	612 W. Poplar St. #4-9
1010 H. H. H. H.	2556 W. Conover Rd.
1111 H. H. H. H.	421 E. CENTER. PRINCE ARCADE 72753
Ryan Stout	Jefferson, IA 50129
Phanna Anderson	1352 Houston St. Fayetteville, AR
Donna Morton	10209 N. Glen Loop Fayetteville, AR 72701
Tara Heller	205 Ecology Farm Rd. Fayetteville, AR 72730
Nike Morris	315th Fayetteville AR 72701
Evelyn Bailey	2124 W. Sylamore Fayetteville, AR
Jerry Kasel	2442 E. McFarland Dr. Fayetteville, AR 72703
Crista M. Soto	1733c Shambelin Ave Fayetteville, AR

NAME	ADDRESS
Jason G. Parrish	470 N. Lewis Fayetteville AR
Jessica Lynn Birmingh	4224 W Poplar Fayette
Jeff Seidensticker	2715 MT COMFORT
Kevin Stokes	2502 Megan Dr. Fay.
Nancy Stobrod	2375 Holly St. Fay. AR
William R. Ridd	3112 West Jewell Rd Apt 1
Butter Mathew	10 Graham Ave.
Phillip Corpa	944 N. Oak Dr.
Gemma Barker	12490 Hwy 62 W Farmington AR
Kelly Magee	11228 Linda Jo. Fayetteville, AR
Katinka Jett	1807 N Lowell Spnd 72764
Jeff	P.O. #300 Farmington, AR

Dark Lane's
Pepe's Place

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

14

KEEP IT A CHOICE!

NAME	ADDRESS
Thomas Thornton	933 Townville Fayette AR 72703
W. S. Edwards	2844 Hickory Apt A Spdl. AR 72764
W. S. Edwards	1753 E. Zion Ave Fayette AR 72703
W. S. Edwards	2538 Country Way Fayette AR 72703
W. S. Edwards	2100 N. Everett #13 Fayetteville AR 72703
W. S. Edwards	190 E. Main St. Farmington AR 72730
W. S. Edwards	15317 Draper Rd Fayette
W. S. Edwards	2126 N. Chestnut Fayetteville
Arthur Smith	2055 Lisa Lane Fayetteville AR 72703
W. S. Edwards	12341 Hwy 16 West Fayetteville AR 72703
W. S. Edwards	3099 Rom Chestnut Rd. Fayetteville AR 72703
W. S. Edwards	1522 Rolling Hills Dr. Fayetteville AR 72703
W. S. Edwards	2844 Hickory Ave Apt A Springdale AR 72764
W. S. Edwards	2538 Country Way Fayetteville AR 72703



NAME	ADDRESS
MARK TREUBY	P.O. Box 4152 FAYETTEVILLE, AR. 72702
MILK & CASH	325- LOUISA, Fayetteville Ar 72701
TREUBY T. TREUBY	AL. Box 4115 Fayetteville, Ar
JACK STARR	136 Madison 7613 Huntville 72708
VULCAN HALL #1.	136 Madison 7613 Huntville 72708
JOE HILL JR.	136 Madison 7613 Huntville 72740
JENNIE RIVER	136 Madison 7613 Huntville 72740
JAMES E. BROWN	741 Morningside Dr. Fayetteville 72701
Optim Barber	202 Lane Ave - Springdale 72764
Dorale Barber	202 Lane Ave - Springdale 72764
Manning Barber	202 Lane Ave - Springdale - 72764
Spencer Smith	5045 E. Highway 60 Interstate = Ar 72701
LON D. STANFORD	P.O. Box 1192 Farmington, Ar. 72130
Ron Barber	961 S. Washington Fay. Ar 72701
Conrad Phillips	1555 Mark #7A, Springdale, AR 72764
Paul J. Phillips	3179 Woodfield Way, Fayetteville, AR 72704
BROOK MAHANT	1908 N. ARROWHEAD St Fayetteville AR 72701
MARY ZELMER	21758 E. BEATTY BLVD - Springdale, Ar.
HONGER R	1968 Arrowhead St Fayetteville, AR 72761
CLARENCE BARBER	19400 Robt Hill Loop Springdale Ar 72764

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

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13

NAME	ADDRESS
Stella Aycock	2100 W. Weaver St #13 Fayetteville AR 72703
Butterfly Foster	1610 Terry Dr. Fayetteville AR, 72703
Adrian Pruitt	2817 Summs Lane Fayetteville AR. 72705
Henry Gill	2438 Country Club Fayetteville AR. 72703
Robert J. Almada	650 W Poplar St Fayetteville 72703
	16111 W C Allen
Crystal Maston	650 W Poplar St Fayetteville 72703
Steve Mitchell	2564 McRae Springdale AR 72768
Diana Bilingales	4750 Sherry Ave #2 Fayetteville AR 72701
Bud Markin	4750 Sherry Ave #2 Fayetteville AR 72701
Bred Mars	3099 Rowland Rd Fayetteville, AR 72701
J. Scott Tount	3011 Suzanne, Springdale, AR
Richard D Green	4565 Weir Road Fayetteville AR 72704
Kaine Garrett	21534 Strickler Rd West Fort

NAME

ADDRESS

Charles Fredrick	511 N. Curtis Springsdale Ark 72764
Linda Fredrick	511 N. Curtis Springsdale Ark. 72764
Cheryl Johnson	511 N. Curtis Springsdale Ark. 72764
Karel Johnson	511 N. Curtis Springsdale Ark. 72764
Gary Fredrick	602 Revin Fayetteville Ark 72702
Vickey Fredrick	602 Revin Fayetteville Ark 72702
Jim Bob Barton	19337 Antioch RD Can Hill Ark. 72707
Brenda VanZandt	217 Harold St. Fay. 72703
Johnny & Judith	18876 Cedar Grove Rd Springdale Ark 72764
Edna Crowell	335 Bakfer Ln Fayetteville AR 72701
Donna	17954 Lake Seaview Rd Fayetteville Ark 72701
25 Moore	32 South main Fayetteville 72701
Walter Moore	1418 S School Fay Ark 72701
Grim Amogaw	465 S Wymar Fay Ark 72701
Christon Mounce	3503 Amberwood St Springdale, Ark 72702
Gary Mounce	2675 North Club Dr. #10 Fayetteville 72703
Talisa Knapp	5018 N. Cardwell Johnson ar. 72741
Erica Hutchins	12434 W. Hwy 16 #13 Fay ar. 72704
Gizay Patterson	12434 W. Hwy 16 #13 Fay ar. 72704
	3200 N. Warwick Dr. Fay ar. 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

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15

NAME	ADDRESS
John Macs	2015 Deane Fayetteville
Olissa Moss	2015 Deane #5 Faly. Ar. 72763
Heather Gross	2320 R. Wells Fayetteville 72703
Paul Gray	Winslow + Hwy
Robert D	Fayetteville
David J. Jones	Thompson
Keith Alice	Fayetteville
Anna Phillips	Fayetteville
Donna Mae	20511 Shadeland Rd. Fayetteville Ar
Kelly Abertin	3815 S. Thompson Lot #15 Springdale
Benjamin Curry	3026 N. Gregg Apt #7 Fayetteville
Don Moore	205 S. Church Fayetteville
Renae Cardero	204 N. Chestnut Fayetteville Ar.
Donna	1 N. Chestnut " " "
Donna	5044 Hwy Payne Hwy, Ar.

NAME	ADDRESS
James William French Thinner	1200 Baldwyn Ave Fayetteville AR 72701
W. Wayne Littlejohn	2101 Pine Woods Rd Fayetteville AR 72703
Conrad Taylor	5805 Campbell Ave Fayetteville AR 72704
Walter Walker	113 Barker Fayetteville Ark 72703
Douglas Thomas	2181 N Woodward Dr Fayetteville, AR 72703
Joan W. Breeden	3480 E Huntville Rd #38 Jay, Ark 72701
Michael B. Wood	3480 E. HUNTVILLE RD #38 Jay. AR 72701
Mary Jo Beagle	325 E. 13th Place Fayetteville, AR 72701
John A. Brown	Jay, Ar.
Pat Clark	Fayetteville, AR
Allen Carter	Fayetteville, Ark
Norman Little	Fayetteville, Ark
Seiler LeBeau	Fayetteville, Ark
Sissy LeBeau	Fayetteville, Ark
James F. McWhorter	Fayetteville, Ark
Monty E. McWhorter	840 E. Davis St Fayetteville, AR 72701
John Foster	1308 Cleburn St Fayetteville, Ark 72701
Shelia Duglart	14629 Malico Mt West Fork AR 72774
Henry Arthur Duglart	14629 Malico Mt. West Fork AR 72774
Thomas Duglart	1717 W. Walnut Jay

NAME	ADDRESS
Grace Wellman	10030 Honey Hollow Rd. Windsor, Ar 72959
Gene Medman	10030 Honey Hollow Rd. Windsor, Ar. 72959
Jack C. Thompson	119 Wade Smith St. Prairie Grove, AR. 72727
Wesley Mathewson	357 E. Main Farmington, AR 72736
Clare Hunter	2691 N. Club Dr. Apt #8
David Ginter	2719 N. Club Dr. apt #17
James D. Ginter	210 West 4th St #5
Maria Skelton	190 E. Main St. Farmington, Ar 72730
John Roberts	897 W. 17th St Fayetteville
John Cassman	1619 W. Maple St. Springdale
Mike Taylor	3062 Orchard St. Springdale
David Wells	

SAY NO TO THE SMOKING BAN

(44)

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Beth Hunter	2996 Mt. Comfort Rd. Fay. AR 72703
Stephen Douthitt	2996 Mt. Comfort Rd. Fay. AR 72703
Bob Jones	968 Brush Creek
Ken May	713 Carlton Springdale
Christy Pitt	15785 Kacey St.
Ken Jones	555 W Maple Fayetteville AR
Donna S. Miller	3301 W. Buckner Fayetteville AR 72704
Sarah Thentz	3001 Duway St.
Wm W	2325 N. Greys St.
Armadon Way	313 S. 4th Grandland AR
Donna Jones	3717 Leeward Hwy
Paul Jeffers	3142 #5 Chestnut
Bob Hill	13061 Whipple Rd Fayetteville AR 72704
Susan E. King	1407 Dyer St. Springdale AR 72762

NAME	ADDRESS
Gene' Rick # Wicks	3171 Leonard, Fayetteville 72703
Samuel H. Hester	" " "
William S. Hester	13940 Danner Rd Elkins AR 72727
John Doe	1300 Meffert, Elkins, AR 72722
James J. Boyd	3381 N. Salem Rd 72704
William H. Hester - Boyd	6546 W. Sumter dr. 72704
Wanda H. Hester	6346 W. Sumter
John H. Hester	609 N. W. Hester St Apt. #4 72703
John H. Davis	2505 North College Hwy 72701
James Boules	2535 Sand Piper Hwy 72703
Ronnie Estes JR	2918 N. Green. E. AR
Anna P. Lee	204 N. DUNCAN APT. A (EAY) 72703
Holly Bernice	204 N. DUNCAN Apt. A Hwy 72032
Garland E. Kelley	5903 Wilkerson St Space 127 Fayette 72704
Charles Christian	4401 Summerfield Spr. Ar 72702
Polly Dandrey	2809 N. Oakland Lion Rd Fayetteville

NAME	ADDRESS
Shelly Hotalaft	70 West Veld dr Belgrade, MN. 55009
Jim Collins	Box 1101 Belgrade, W. 72701
Scott Phipps	789 W. Oakland Dr Springdale Ar 72764
Kevin Heat	2814 Rife Cir Rogers Ar 72756
Margaret Mouton	P.O. Box 942 Bentonville Ar 72712
Jeff Emace	3533 Hemlock Plmce Springdale Ar
ROSEMARY DETORE	10571 S. Hwy 265 Fayetteville, Ar
RICK L. CLARK	" " " " " "
Robert H. Barber	19024 Strickland Rd. WEST Fork, AR. 72774
David S. Barber	16085 S. Ar 265 West Fork, Ar 72774

(ON The Mark)

Guests and Members

USE Back Side also

Let us know how you feel about making bars and restaurant smoke-free

Do you think it should be a CHOICE or GOVERNMENT BAN ?

Signature	Address	FOR	AGAINST	Leave it to the Business
Mark Thiesse	734 N. Willow Dr. 79			✓
Brandon Gregory	1365 N. Fehall Apt 9			✓
Mark A. Jones	2588 N. Gregg			✓
Chuck Little	8th S. Liberty			✓
Creed Holladay (Smoker)	5707 W. Michigan/Colo			✓
Ben Soukran	374 Nimosa, Fayetteville			✓
Paul Mader	1039 W. Central, Rogers			✓
Mallory Bryant	115 W. Village Lakes #7			✓
Brandon Abel	"			✓
Lee Mays Kelley	2009 Ashlee			✓
Randal Reers	5710 W. Legacy			✓
Carl J. Jek	19510 Oak Cir. St. AR			✓
K. Bridges	2009 Ashlee Dr. Springfield		✓	

On Mark

DT

Signature

Marshall Salk

Lamartha Zylon

John Holcomb

Kevin D. Bracy

Dawn Phorn

Sherry Powe

Gandy Harmon

Travis Hallam

Rachel Rush

JOHN LYON

John Paul Graves

Ganette Vaygar

Billy Wright

W. E. Harris

F. Robertson

Address

1205 dc P. Fayette

112 S. Apt 3 Fayetteville

1205 JASMINE FAY

1365 Jasmine Fay

133 Rogers Circle Dr, Spoke

14147 Highland Ct. Ll.

616 East Oak Apt A Springdale

4155 N. Latham Ln. Springdale AR

811 Lindell St. Fayetteville

2756 Gaykaylon #7 Fayetteville

2802 Colt Springfield

2705 N. Club Dr. Fayetteville

3571 Wagner Rd Fayette AR

215 N. Locust Fayette, Ar.
1666 Industrial Place Fayette Ar.

For Against

Leave it to the business

✓
✓
✓
x
✓
✓
✓
✓
✓
✓
✓
✓
✓

USE BACK SIDE ALSO

Signature	Address	FOR	AGAINST	Leave it to the Business
<i>David B. Stetson</i>	669 Rhoads Mill Rd.			✓
<i>Mary Spinnell</i>	568 Minors Ave			✓
<i>David C. Waters</i>	17455 Le Sep FAR			✓
<i>David C. Waters</i>	632 FURNACE ST. TAYLORVILLE, AR			✓
<i>David C. Waters</i>	14456 Le Sep FAR AR			✓
<i>Paul J. White</i>	742 CLIFFSIDE, FAYETTEVILLE, AR			✓
<i>Paul J. White</i>	5710 Legacy ST Fayetteville			✓
<i>Thomas C. White</i>	2323 Watergate Dr.			✓
<i>Thomas C. White</i>	3006 Strickland Dr. Fayette			✓
<i>Michael W. White</i>	2718 CIVIC BLVD			✓
<i>Michael W. White</i>	604 E. LAFAETTE ST			✓
<i>Michael W. White</i>	225 W. Sycamore			✓
<i>Michael W. White</i>	633 White Bluff, Fayetteville			✓
<i>James C. White</i>	14930 E. Highway 5, Fayetteville, AR			✓
<i>James C. White</i>	RT 1 Box 1 Co			✓
<i>Bill Krenn</i>	4233 Stonecrest Cir 72762			✓
<i>Michael Peters</i>	3242 Charmingross FV 03			✓
<i>David Davis</i>	2810 SE 3rd St. Bentonville, AR			✓
<i>Larry A. Smith</i>	Logansville			✓
<i>Larry A. Smith</i>	12026 Greenway Ln			✓
<i>Calvin Stewart</i>	614 Carter Ln Bentonville			✓
<i>Brent Starnes</i>	2032 CROFTON ST, Fayetteville			✓
<i>Hugh Starnes</i>	2865 Oakland Dr			✓

OPPOSE JUNK SCIENCE
SUPPORT FREEDOM

Judy LERISSO 215 N. Locust Fayetteville, AR 72701 ✓
Allen Nelson 1770 GREGG Fayetteville, AR 72701 ✓

Grady Jim Robinson

Dorck GREGG 1570 S Quail Rd Fayetteville, AR 72704 ✓
Robert Byrd 2705 N. Chalk Dr Apt 12 Fayetteville AR 72703 ✓
Gloria Stout 2071 Chestnut apt 1-B Fayetteville, Ark. 72703 ✓

James E. Ticeburn
741 Morningside Dr.
Fayetteville, Ark 72701

Stephen Anshel

1404 A Divisadero Springdale, AR 72764 ✓

Paul Leonard

Primer Grove, Ark. 72753 ✓

Ed Day Jett

Fayetteville 72702 ✓

Jim McFalls

Delena OK. 94365 ✓

Ralph Miller

Spring AR 72764 ✓

1005 KANSAS

Leavit to
Business
AR 72701 ✓

leave to business

Melissa McTenna 1406 Bricecroft Fay, Ar. 72703

Vinod Patel 1324 Camille Ln Fayetteville AR 72704

Steve Smith 2443 Sideroad - Fayetteville, Ar 72703

W.A. Smith 1415 E. 2nd Fayetteville AR 72703

Darlene Russell 1080 Baldwin Fayetteville

Debra Russell

Gary Smith

Leave to business

Tom Denard 2916 N. Mayberry Ln 72703

Debbie Haight 2916 N Mayberry Ln 72703

Bruce Bradshaw 209 S. Crossader 72701

J. Miller REDNECK, USA 72703

✓ AGAINST

(SMOKE OUTSIDE, DON'T HURT -
SOMEONE NEXT TO YOU WHO WANTS
A BEER... IT'S A BAR FOR A BEER
NOT A CIG FOR A CIG... SOMEONE'S
(LRAVE.)

NEED PERSON

Steve Skypoff 1803 Ind Tr. Dr Rogers, Ar Against

Need to Staff an Organization
for Smokers Rights

Gina Smith 964 Rolling Hills

Fayetteville

It is our right to
Smoke in Bars & Restaurants

Chris Tedford 529 N. Whitham C-3 ✓ Leave it up to Bus.

Seremy Horton 708 Buford ✓ Songdale AR 72764

Sarah Parker 2434 Tulip Tree ✓ Sprinadale AR 72764

J. Joe #5 Augusta Dr #7 VILLE 72703

Brad Elderly 805 ~~Springway~~ 72764

Chris RL #5 N. S. Dr #4 VILLE 72703

David Gordon 2400 Karyn Fay AR

JASON GORDON 2400 KARYN Ave Fay AR 72703

Cathy Gordon 2400 Karyn Fay Ar 72703

David Lewis 173 W. Preservation Dr. 72703 AR Business Choice

Show up July 15 - Tuesday 6:00 PM City Hall

SAY NO TO THE SMOKING BAN

ON THE MARK

IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL! (USE Back side) KEEP IT A CHOICE!

NAME

ADDRESS

Mark. Thiesse - Love Bar & Co.	734 N. Willow - Jays Ark 72701
Brandon Gregory	1305 N. Fork Apt 9 Fayetteville AR 72701
Mark D. Wright	2588 N. Gregg Feap 72703
Chad Math	804 S. Liberty Fay 72701
Cand Holaday [Non-Smoker]	5707 W. Michael Cole Dr 72704
RE Mark	1034 W. Walnut Rogers 72756
Mark	374 Minnesota Fayetteville 72703
Mallory Bryant	115 W. Village Lake Dr. #7, 72703
Brandon Abel	"
Mark Taylor	1409 N 35th St Rogers AR 72756
Joe Allen	1000 Ashley Springfield AR
Brandon Reeves	5710 W. Legacy Fayetteville, AR 72703
Paul. J. Jorg	19510 Oak Cir Springdale AR 72764
Bill Wehlers	2161 Lottin Circle Fayetteville AR 72701

(We need Books (100000))

NAME	ADDRESS
Richard B. Stuckert	669 Rhoads Mill Rd. Farmington AR 72730
William Stuckert	568 Wilmers Fayetteville, AR 72703
David C. Walters	17455 Lake Superior Fayette AR 72701
David C. Walters	632 Furman #53 Fayetteville AR 72701
David C. Walters	17455 Lake Superior Fayette AR 72701
David C. Walters	702 Clifside, E. Ar 72701
William Stuckert	2323 Wadengate Dr.
William Stuckert	604 E. Wadengate Dr.
Self Lambert	775 W. Sycamore #10 Fayetteville
Richard C. Walters	2437 Curran Road Circle Springdale, AR
Chip Arledge	2028 Danbury Dr. Fayetteville AR 72703
Paul Arledge	2432 Pennock Cir 72776
James C. Murphy	14930 Elkhorn Springs Road Fayetteville Arkansas 72704
James C. Murphy	RT 1 Box 6 72702
Bill Kene	4233 Stonest Circle Springdale Ar 72762
Michael Peters	3242 Charing Cross Fayetteville AR 72703
Marshall Sellers	1205 S. Gasman Lane Fayetteville AR 72704
Samantha Taylor	112 S. Hill Ave Apt 3 Fayetteville AR 72704
Todd Johnson	1205 S. Gasman Lane Fayetteville AR 72704
Tom Johnson	1365 S. Jasmine Lane Fayetteville
Don Johnson	5280 Moonlight Dr. Fayetteville

Don Johnson

Sherry Power

Candy Harmon

Meredith Fisher

John Paul Graves

Gareth Janglin

KRATINGS

Kelly Wright

Birch Grisso

Nudy Grisso

Allen Nelson

Gene Mallery

Tom Donagan

Debbie Haight

Patricia Boswell

133 Rogers Creek Spade
14147 Highamp Ch. Rd
Fay AR.

616 East Oak Apt A Springdale AR
2071 N. Chestnut Ave.
Fay AR. 72703

2802 Colton
2705 N. Club Dr.
Springdale AR
Capetown AR 72703

2588 N. Gregg St
FAY AR.

3571 Wagner Rd
Fay AR

15705 Quail Rd.
FAY AR

215 N. Locust
Fay. AR

1770 Gregg #
Fay, AR
RA 2 Box 730
Falm. OK 74348

2916 N. Mayberry
72703

2916 Mayberry Ln 72703 Fay AR
1080 Baldwin Fay 72701 (A and Boswell)

Hugh Brewer

2865 Oakland St

Fayetteville, AR 72703

M. E. Harris

2115 N. Court St

Ft. Payne, AR 72701

F. Robinson

1666 Industrial Place

Alfred

2205 NCLB Dr Apt 12 Fayetteville AR 72703

John Stout

2071 Chestnut apt ~~101~~ Fayetteville, Ark. 72703

James E. Brown

7th Morningside Dr. Fayetteville, Ark

Sept. Moore

1404 A Dividend

Springdale Ark. 72764

Thut Conrad

116 Ozark St.

Shawnee Grove, AR 72753

Ed Day Jr

PO Box 1762

Fayetteville AR 72702

Robert Wilson

1005 Kansas

Spring. AR 72764

Melissa McLenah

1406 Briardrift

Fay, AR 72703

Amey Jones

4081 Johnson St

Fayette AR 72703

Vinay Patel

1324 Camille Ln

Fayetteville AR 72701

Joe Bill

2043 Sheridan

Fayetteville AR 72703

Dee Shedd

145 E. Celt

Fayetteville Ark. 72703

Maria-Jinene	715 W Sycamore Apt 10	Fayetteville AR 72703
James Phillips	1747 Shanklin Apt C	Fayetteville AR 72703
Debra Wood	1000 W. NORTH ST # EQ	FAYETTEVILLE AR 72701
Mandy Gann	5464 W. Wheeler Rd.	Fayetteville, AR 72703
Brace Braashaw	209 S. Crosscorder	FAY. 72701
Steve Shipcoff	1803 Indian Trail @ Rogers, Ar, 72758	
Marc Bern	14836 Cow Face	Lowell, Ar 72745
Chris Tedford	529 Whitman CA-3	Fayetteville, Ar. 72701
Gina Smith	964 Rollings Hills	Fay AR 72703
Jeremy Herten	708 Buford	Springdale AR 72764
Sarah Fowler	2434 Tulip Tree	Springdale AR 72764
Glenn	7140 N. College	Fayetteville 72703
Joe	5-Alexa Dr #7	Wille 72703
David	2480 Karyn	FAY AR.
John	2400 Karyn	FAY AR 72703
Cathy Keelan	2400 Karyn Way	Ar 72703
Chad D. Lewis	1733 W. Preservation Apt. 2	AR 72703

Chris Perkins 842 Green Point Trl Fayetteville AL 36022

SAY NO TO THE SMOKING BAN

(34)

IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Michael Locke	14447 Hwy 244 Salem Springs AR 72761
Joe McCash	209 S. Franklin Terrace
Harrison Blumell	518 Topaz St. Lowell AR
William Burrows Jr.	2265 Hwy 2 N. Club DR Fayetteville
Ray Thompson	3325 Katherine Ave Fayetteville AR 72703
P. Mary Johnston	1623 E. Joyce #153 Fayetteville AR 72703
Frank Cleger	3050 Jock Wilson Way AR 72705
Brenda Davis	9728 Waver RD. Springdale, AR 72762
Marking	1792 N College Fayetteville AR 72705
Stanley Williams	315 E. Village Dr., Fayetteville, AR 72703
William Williams	315 E Village Fayetteville AR 72701
Edgar	3752 Richmond Tr. Springdale AR 72762
Edgar	3752 Richmond Tr Springdale AR 72762

NAME	ADDRESS
Josh Weeks	1620 W Mitchell Apt #10
MARY SUE CLARK	2605 W 114 BLVD #73
Olga Clark	2756 Barcelona Ave Fayetteville
Edo Northrup	2454 St. James Place, Fayetteville
Ashley Cumber	1667 Spradley Lane Fayetteville
At 380	P.O. Box 1723 Robinson
Ed Paul	1080 Beechwood Av Fayetteville
Mike Howard	P.O. Box 1723 Fayetteville
Melbae Grage	295 Harvey Dorell Rd Fayetteville
Dawn Grage	295 Harvey Dorell Rd Fayetteville
Denise A. Peoples	4110 Sunflower Circle Fayetteville
Brian Street	1808 H Main Dr. Springdale
Maie Wikman	2005 Bluebird Dr. Springdale AR
Jessie Sicks	4205 Shawnee Cove, Springdale, AR
Paul Myers	1526 Dawn Dr. Fayetteville AR,
Bruce Williams	728 W. Cent. Fayetteville
Shelley Hummer	2332 Lee St Fayetteville AR
Derek S. Ross	891 Melmar Drive Apt #99 Fayetteville AR 72703
Shirley Cox	313 S. 50th West Fork AR 72774
Paul Phoenix	3204 15th Searcy AR

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

1172

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Danah Davis	290 W. Double Spring Rd 72730.
Keith Henry	?
John Z...	2413 W. Lexington Fayetteville
John Reese	2418 W. Edgington Fayetteville
Jason McCall	1241 N. 8th Fayetteville
Natalie Stone	1338 W. Cleveland Fayetteville
Rebecca Sofus	1551 W. Whitman #3 Fayetteville
Chelsea Fletcher	1000 Edna, Fayetteville AR 72703
Kyle Bennett	1505 Beaver Dr. Fayetteville AR 72703
Trenace Watkins	1511 Bernice Fayetteville AR 72703
Jennifer Parris	1411 Dawn St. Fayetteville AR 72703
Darrah Erany	1411 Dawn St Fayetteville AR 72703
Lindsay Thomas	1511 Bernice St Fayetteville AR 72703
Kate Witzinger	2503 Elizabeth Ave Fayetteville, AR 72703

Steven Furgese
251-7773

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Cory Hain	2187 N. CORREL
STELLA HILL	2462 N Hampton Ct Fayetteville
Kydra Hill	2462 N. Hampton Ct Fayetteville 72703
Melissa	9884 Broadway Ln Rogers Ar 72758
Amelia P. Walcott	1578 Timbercrest Ave Fayetteville AR 72703
Melinda J. Walcott	1578 TIMBERCREST AVE. Fayetteville, AR 72704
XXXXXXXXXXXX	XXXXXXXXXXXX
Kyma Wilson	1578 Timbercrest Ave Fayetteville, AR 72703
helen Wilson	US 4791000 Lh. 72400
Phillip J. Wilson	12965 Couch Rd, Fayetteville, AR 72727
XXXXXXXXXXXX	3901 West McDONALD De #66 Fayetteville AR 72701
XXXXXXXXXXXX	2724 West 6 th St Fayetteville, Ar 72701
Melissa	2024 N. Levee Fayetteville, Ar 72703
Charles Wilson	1479 W. WALTON ST. #4 FAYETTEVILLE, AR 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
GREG ANDERSON	847 W. DAVIS St. Fayetteville, AR. 72703
L. Anne Brian	2875 W. Riverdale Fayetteville, AR 72704
E. McH Jones	2339 Holly St Fayetteville, AR 72703
DAN Ewing	16227 Wymon Rd Fayetteville 72701
Shirley M. Mose	9556 Emerald Dr Bld 12703
Shirley M. Mose	2433 Cedar Fayetteville 72703
Shirley M. Mose	632 Putman #32
Shirley M. Mose	540 Whitman Apt A Fayetteville 72701
Paul M. Mose	540 Whitman Apt A Fayetteville 72701
Shirley M. Mose	1737 N. Lewis Ave Fayetteville, AR 72703
Shirley M. Mose	385 C Main Rd.
Shirley M. Mose	3364 Princeton Fayetteville, AR 72704
Shirley M. Mose	205 Watson Fayetteville, AR 72701
Shirley M. Mose	1740 N. Gregg Ave. Fayetteville, AR 72703

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
CAROL BUSNETTE	1356 CATHEDRAL F.VILLE AR 72703
ERIN CHANEY	862 OLIVE ST F.VILLE, AR 72701
NATE PHEPS	1241 N. STATE F.VILLE 72703
Amelia McCutcheon Amelia McCutcheon	2590 Sequoyah Dr. Rogers, AR 72758 2590 Sequoyah Dr. Rogers, AR 72758
Amelia McCutcheon	2590 Sequoyah Dr. Rogers, AR 72758
Divine Williams	2120 Sequoyah Dr. Rogers, AR 72758
Divine Williams	2032 ORA DR FAR AR 72701-4 freedom choice
Chris McIlhenny	201 E Appleby Rd Fay AR 72703
Derrick Hammond	1471 E. WYV 264
Brian Russell	403 Gargg Ln.
Donna Russell	800. Olive
Julia Russell	403 Briggs Ln
Lisa Russell	1753 Zion Rd ID32
Adam Russell	2623 N. Grey Fay Ar 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Charles Thomas Lloyd	340 W. Lafayette
E. Hayes	223 N. Church #1 Fayetteville AR 72701
Sires Greer	3209 Essex Drive, AR 72704
Doneth Wolfe	1227 U. Arkansas Ave. AR 72758
Mark Ellington	9349 Grimes Rd Rogers, AR 72758
John Eikenberry	3073 Mica Fayetteville
Chris Wood	2678 Club Dr, Apt 11, Fayetteville AR 72703
Wendy	219 W. Meadows #5
T. A. McInnis	Club outside 36 Club
John Stalling	558 N. Highland Ave
Nedissa Brucy	705 Snay Ave Suite 2 Fayetteville, AR 72701
Clayton Shaver	309 Smith Ave Fayetteville 72701
John Wight	309 Smith Ave Fayetteville, AR 72701
Matthew Foy	2364 W. Oak Fayetteville, AR 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
411-258	207 Smith Ave Fayetteville 72701
119 STEPHANIE KINSEL	301 WRIGHT AVE Springfield 72762
Danny Hens	1511 W Huntville Springfield Ar 72764
Tony Murphy	1421 JASMINE CT Fayetteville AR 72704
Walter Yuneil	1421 JASMINE LN Fayetteville AR 72704
Dee Cooper	1142 Oakwood Fayetteville AR 72701
Christie Kessler	" "
Stacy Brooks	959 Daisy Ln. Eas. AR 72707
Jessica Cunningham	3188 Woodridge Dr Fay. AR 72704
Dee MIGHT BACKLMDN	1133 W. Deane Fay. AR 72703
Christy Digby	1133 W. Deane Fay. AR 72703
Andy Muzinyo	1224 easy street Fay. AR 72702
BRAD + LONNY Neighbors	609 Valley Drive Fay, AR 72704
Falcon Rhoades	124 #22001 Euns Ave Fay, AR 72702

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Abel Campbell	110940 Caples Rd Springtown
Dawnie West Allen	1444 Dawn St
Jason Crozier	2788 Creasapple Springdale, AR
Ellen Ritter	19 Forsythia Dr #4
Kellie Loregory	19 Forsythia Dr apt #4
CYRIL BIEDENHARN	1809 N. Fox Hunter Rd
Judy Williams	721 W. Taylor St
Delany Seaster	3445 Northwood St 72704
Lindy Mullens	3445 Northwood Ave 72704
Esther	724 E. Lafayette Fayetteville, AR 72701
Jessica Blum	121 Open Trail, #9 Fay, AR 72701
Demonda Giddens	1279 Mt. Comfort, #15 Fayetteville AR 72703
Don Kopses	10371 Jeter Rd Fayetteville AR 72704
Shawn Hahn	10371 Jeter Rd Fayetteville AR 72704

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Shirley	Fayetteville, AR
Lesley Wallace	Fay, AR
Riley Hearnick	215 W. Lafayette Fay,
Hannah Woodrow	Fayetteville, AR
Paula Mae Smith	Fayetteville, AR
Melissa Hall	6009 N. Storer
Garrett Harley	526 N. Storer
John Hart	6009 N. Storer
Glen Fullard	111 S. West Ave - Fayetteville, 72701
Josanna Freeman	5695 Michael Cole Fayetteville, 72704
Shirley	1116 Linda St
Glenn Fortenberry	1116 5613 Michael Cole, Fayetteville 72704
Travis Lane	1550 Kings Blvd.
Scotty Reese	2414 Wedington Fay, AR. 72701

COPIES

**SAY NO TO THE SMOKING BAN
IN FAYETTEVILLE BARS AND RESTAURANTS**

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Steve Meadors	2880 W Gothic Dr
Tab Meadors	2980 W Quail Dr 72704
PHILS LANBATHER	5 South West St. Apt. C Fayetteville, AR 72701
Daniel Nick (bartender)	580 Box 2688/2000 W. Univ. St. Steam Springs, AR 72761
TERRY M. COOK	732 MEADOWS DR FAYETTEVILLE 72704
Rich Schueik	3886 Watcher Trce Fayetteville 72701
Gale Jammella	5110 E Maple Fay. AR 72701
Kim Johnson	2200 Sandy Spingdale AR 72702

NAME	ADDRESS
Tiffany Mollin	1120 Hwy 215 N Apt. I
Mike Draxton	514 Pinewood Rd. Canton AR, 72037
Ferry Bailey	688 Martha Fayetteville Ar, 72703
Kelly Sellins	1145 Deane Fayetteville AR 72703
Ellen Little	15 W-sg thia dr. # 4
Wendy Donovan	P.O. Box 85 St. Paul, AR 72760
Patricia Henry	2217 N. College Hwy Ark 72701
Michael DeBart	731 Cleveland #4 Fayetteville 72701
Frank Scott	1620 Linda St
Bruce Spruin	6003 Fairway circle Springdale, Ar 72764
Brent Jennings	4 Village Lake Dr. Apt 6 Fayetteville, Ar 72705
Timothy Kessle	206 West Taylor Fayetteville, Ar 72704
Cynthia Heeren	3816 Dawson Ln Fayetteville
Charles Heeren	3816 Dawson Ln Fayetteville
Charles Heeren	1940. Kansas Ave. Lincoln Ar 72744
Charles Heeren	2880 Birdie Ln Fayetteville
Charles Heeren	505 Felow Rd Fayetteville
Charles Heeren	505 E Lee Road Fayetteville 72701
Charles Heeren	1125 W Sunset Fayetteville 72701
Charles Heeren	201 Birdie Ln Apt 105 Fayetteville 72745

NAME	ADDRESS
JESSICA GATHIN	P.O. BOX 9083 Fayetteville, AR 72705
Mrs Broadford	417 N. Pleasant St. #209 Springdale AR 72765
Tobie Glenn	PO Box 1204 Springdale AR 72765
Lynette Terrell Family	832 Calvin St. Fayetteville, AR 72705
James B. Terrell	✓ ✓ ✓
Bruce Scrabb	1613 N. Garland Fayetteville 72703
James Scrabb	1613 N. Garland Fayetteville 72703
Young, Robert	201 E. Appleby Rd. #59 Fayetteville 72704
Robert	1853 Dan Harrison, AR 72703
Flotta Boling	1853 Dean Hwy (Ar) 72703
Kenneth J. Hater	24015 Cherokee Rd Gentry, AR 72734
Junie Burgess	5166 Mitchell Road Fayetteville AR 72734
Jeff Burgess	11
Brendon I. Black	1249 W. Brul Creek Dr. Rogers AR 72756
Cindy Gordon	207 Center Lowell, AR 72745
Thomason	Harrison AR 72601
Doris Marmors	504 Crystal - Lowell AR 72745
Jessica Gieringer	502 West Maple St. Fayetteville, AR 72701
Derrick Dabber	Black Oak Rd Fayetteville AR 72701
Lisa Johnson	5106 Maple St. Fayetteville AR 72701

NAME	ADDRESS
Tony Adams	2462 Kautz Ln. Fayetteville, AR. 72703
Murray James	814 Gibson Hill Road Farmington, Ar 72730
Dick B. JACKSON	322 CANOE APPLE CANE, SPRINGDOO
Bruce BRADSHAW	209 S. CROSSCUT FAY. AR - 72701
Donna B. B. B.	209 S. Crosscut Fay AR 72701
Donna B. B. B.	114 E. Sunbridge Dr. Fay. AR 72703
Donna B. B. B.	2414 Robin Ct Fayetteville AR 72703
Donna B. B. B.	5702 S. B. B. Fayetteville, AR 72704
Donna B. B. B.	4194 A Hwy 112 Fay AR 72704
Donna B. B. B.	838 Arctic Fay AR 72701
Kelly Shultz	1523 Walton Fayetteville. 72704
Steve Szychowski, Ph.D.	3199 Idlewood Way Fayetteville, AR 72703
Mike B. B. B.	288 Willow Farmington 72730
Mike B. B. B.	40 Village Lakes Dr. #5 Fayetteville, AR 72703
Donna B. B. B.	526 Storer Avenue Fay, AR 72701
Kyle Wiser	526 Storer Avenue Fay, AR 72701
William Riddle	2312 W. Maine #7 Fayetteville, AR 72701
Sharon Crosson	1643 Arthur's Ct. Fayetteville, AR 72701
Bonnie Fay	4145 Steilman Rd. Fayetteville, AR 72703
Ellie Lyons	1002 Cantory Dr. ROGERS, AR 72756

NAME	ADDRESS
TALECE BROWN	PO Box 7062 Springfield AR 72766
Joe Vinson	2850 S/Hwy A In 72703
MATT DELOEAK	1748 OAKLAND FAUETTILLER 72703
David Briggs	2117 Madison 72715 Huntsville AL 35892
Richard Maysman	1717 W. Soap Ave. Fayetteville, AR 72703
Donna Sunkin	13645 REDWOOD DR FAYETTEVILLE AL 36864
Flora E. Bledsoe	Kay Sue Drive, Springdale
Gulesclanek Bledsoe	" "
Bernethy Bledsoe	" "
Bobbie Juvilly Bledsoe	" "
Bobbie Flaurdoshon	2223 Atkins Post. Drive
Robin Keith	2131 Apt 213, New York NY
Malcolm Anthony	36 Joplin Road Searcy, Fayetteville, Ark.
Andrea Lynette Woodley	" "
Flora B. Wicker	2223 Atkins Private Drive Searcy.
Randy Acker	300 Searcy Jay.
Dorinda Acker	960 Jackson St. Searcy.
Michael Acker	913 Apt. Jewett, Jay.
Shirley Jones	2896 Calhoun Place
Krista G. Fritchett	231093 Keith Baer Rd. Summers, Ark.

NAME	ADDRESS
Margaret Bell	320 Sare #12 Tay AL
James Allen Pritchett	Keth Bled Rd. Sumners, AL.
Julie W. Jensen	Summer hool Drive 1stay AL.
Deane Smith	903 Apt # Shady Shade Tay
Steve Wood	325 N. Smith Oakdale Tay
Sandy Wood	325 N. Smith Ave. Tay
Rick Barber	325 (B) N. Smith Avenue Tay.
Doris V. H	2054 N. Garland H 72-003 (FAR)
Shirley Bruce	7024 N. Shannon Dr #1, Tay 72704
Robert L. Anderson	2352 Huston St. 72703
Elizabeth Talbot	3886 Markoe Traces 72701
Will Garreison	4250 Chelston Crossing Fayetteville AL.
Matt Lawrence	4250 apt 130 Florie St. Fayetteville, AL
Berlin Morris	205 E. Cedar forgethville, ARK 01
Danite Cingel	15344 Keady Mtn Rd. Fairbairn AL 72753
Steve Brown	1300 Christian Ave Springdale AL 72754
Jasmine Armstrong	2027 Dunaway Terrace Fayetteville 72703
John H. H	2027 202
John H. H	Fayetteville AL
John H. H	Fayetteville, AL

NAME	ADDRESS
STEVEN JONES	PO Box 4690 Fayetteville AR 72702
WILLIAM JILKA	583 N. Assembly - Fayetteville, AR 72401
Elizabeth Jilka	" " " "
Nancy Ashby	15094 Trace Branch Rd
Nancy Ashby	15094 Trace Branch Rd
Condit Cooper	P.O. Box 2404 Rogers AR. 72757
Mark Cooper	2492 W. May St. Fayetteville AR. 72704
Leslie Korte	1786 N Gregg #3 Fayetteville, AR 72703
Curthney Anderson	1786 N Gregg #3 Fayetteville, AR 72703
Kyle Jones	2684 Club Dr #3 Fayetteville, AR 72703
Train David Jo	1435 W Stone AP 102 Fayetteville AR 72701
Mr. Mike	1684 Linda Jo Fayetteville, AR 72703
Justin Jones	2604 Ravewood Cir Fayetteville, AR 72704
John P. Jones	11819 S. Stone Fayetteville, AR 72703
Debra Moore	3933 Parkside Fayetteville, AR 72703
Nancy Lambeth	1657 N. Hunter Dr Fayetteville, AR 72701
Emily Jones	Lowell Ave
Christine Piman	1807 SE McHenry - Bentonville
Steve	2244 Co Taylor #2 Fayetteville, AR 72703
John Osley	1325 S. School Ave Fayetteville, AR 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Greg Portac	PO Box 89 Greenland Ac. 72737
Greg W. O'Neal	W.C. 19-13084 LITTLE ELM RD FARMINGTON AR 72366
Reanne Hadd	1819 N CENTER EAKINS AR 72727
Travis Branch	14855 Kelly Mtn. Rd. PRIME GROVE AR 72753
William B. Hall	13918 Ashworth Rd. Westfork, AL. 72774
Alan Baller II	11094 S.E. Campbell ed. Fay, AR, 72701
Michael Williams	251 Ecobay LN Farm AR 72730
Wade Thomas	145 Neral Farming ton, 72730
Rick Stargels	16082 Greasy Valley Rd. Prairie Grove, Ar. 72753
Robert Lewis	1272 N 58th Ave Fayetteville, AR 72704
Matthew Caudle	616 E. Cleveland Laurie Grove, AR 72732
Ben Burton	697 N. Centennial West Fork AR 72774
Bob Atwood	3394 W Buckeye St Fay AR 72704
John Quilley	2926 Sunny Ln Fay AR 72703

[illegible]



USE THE back also

38

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
TAMARA Reith	2105 N. Club Dr. #11 Fayetteville, AR 72703 -
Jeff Stewart	701 E. Lafayette Fayetteville AR 72701
Michel Haffner	970 E. Lewis Fayetteville, AR 72703
Peter Girdine	1005 Convent St. Bentonville AR 72712
Arden Basinsky	PO Box 424 Fern, AR 72730
Danille H. Lerner	3066 Waldman Point Kansas, OK 74347
Chris Henry	1886 Pleasant Woods 72703
Ben Bailey	4 Village Lake Dr Apt 6 Fayetteville AR 72703
Nick Crowe	1446 Pleasant Woods 72703
Seth Pasley	1545 N. Levee H Ave. Fay, AR 72703
Henry Spencer Shaddam Jr	736 E. Ash St. Fayetteville, 72703
Donnell W. Shaden	1609 Canby St Fayetteville AR 72701
Tim C. Hill	1688 maine way AR 72701
Jeremy Bott	2302 wedding Drive, Fay 72701

• all good all 330

Jeff Lambert

275 W. Sycamore #10

Fayette AR

Josh W

2466 E. Kartz Fayetteville

72203

Shane Slayton

1754 Pin Ln

200 N. FLETCHER 72701

CHOICE!

NAME

ADDRESS

William H. Hester C. H. Hester	1338 N. Maple, Fayetteville, Ark 72703 1401 West Sycamore Rd. E. Harrison
Christine Bott	2302 Woodring Dr Fayetteville Ark 72701
James Young	3000 Indian Trail Pkwy, Ark 72747
Jackie Mahaffey	15991 Kelly Mt. Prairie Grove, Ark 72753
Rebecca Hamilton	520 Madison 4384 Conks, Ark 72721
Clare Ogden	924 N. St. Anne St. Fayetteville 72701
Christy Veara	15600 Fieldstone Ave. Fayetteville 72704
Burch Corison	15705 Quail Rd Fayetteville 72704
Seth Cope	1748 E. Shambelin Ave Fayetteville AR 72701
EARLY Wiles	14817 Ash Circle Fayetteville, Ark 72704
Jonathan Waters	2218 Club Dr #10 Fayetteville, Ark 72703
Angela Dickle	116 Fibrene 72704
John Southworth	12297 Carleton Rd 72756
W. L. Boring	404 N. 14 Place 72756
Shirley	2910 2nd St. Arkansas
Cliff W. Gray	404 W. 14 Place 72756
W. H. Hester	708 S. 40th Street Rogers 72758
W. Schades	25 #51, Lake Dr. Fayetteville 72705
Ray Scherfendberg	P.O. Box 82 West Fork Ark

For Against

1754

N. Pointer Ln

✓

A. Osh...

Ryan Thomas 1754 Ponder Faye Wildlife AK 72203

Dwain Brown 15546 Zuni Path Prairie Grove AR 72753

Arny Evans 1989 Ed Edwards Rd. Fay. AR 72701

Christina Dinkach 1293 Sunshine Rd Fay AR 72704

Jeanine Clewenger 1293 Sunshine Rd. Fay AR 72704

931 N Oakland Ave FYV/AR 72701

511 S. Laboard Fay. AR 72701

" " " " " "

656 W. Adams St Fay 72701 Pro Choice

250 Briarhill Farm 72730 Choice

1293 Sunshine Rd Fay 72709

Greg Clewenger

Alana Burasco

Jenny Hodges

Anita Fletcher

Use Back also Guests and Members

Let us know how you feel about making bars and restaurant smoke-free

40

Do you think it should be a CHOICE or GOVERNMENT BAN ?

Signature	Address	CHOICE FOR	BAN AGAINST	Leave it to the Business
<i>[Signature]</i>	701 E. Lafayette	✓		<i>[Signature]</i>
<i>[Signature]</i>	970 E. Lewis Ave.	✓		<i>[Signature]</i>
Jamara Keith	2105 N. Club Dr. Hill Top	✓		Jamara Keith
Peter Cinning	1005 Canning St. Ashland			Peter Cinning
<i>[Signature]</i>	EGAN AK			Karen Behr
<i>[Signature]</i>	4 Village Lake & Apt 6	✓		
Chris Henry	1886 Pleasant Woods	✓		Chris Henry
Nick Crowe	1346 Pleasant Woods	✓		Nick Crowe
<i>[Signature]</i>	1549 N. Leverett Ave	✓		Sethasley
Mary & Michael	736 E. Ashd. Way	✓		
<i>[Signature]</i>	123 Anywhere Ave. 7222	✓		Jay Wiley
<i>[Signature]</i>	1933 H. [unclear] Way			
<i>[Signature]</i>	424 E. [unclear] St			

CHOICE BAN

Signature	Address	FOR	AGAINST	Leave it to the Business
James Taylor	9241/2 Woodward Hwy Club 72701		✓	
Wm W. Self	703 E. CENTER AVE	72704	✓	
Pauline H. (Leann)	9641 Lawson apt 4	72703		
Ray S. Galt	Box 894 Oakdale	Choice		
Paul H. Self	120 Nelson 2120 Houston	Choice	✓	
Wm W. Self	3601 W. Weir	Choice		
Wm W. Self	2123 N. GALT	Choice	✓	
John A. Strickland	1737 Lewis Hwy. 42	Choice		
Wm W. Self	235 W. Science #10	✓		
Wm W. Self	1107 W. James Hwy 72703	✓		
James Rutledge	1145 Dene Hwy 72703		✓	
Mike F. Self	Int. 101 at Rd. 72701			
Daphne Carey	2309 W. 11th Ave	✓		
Wm W. Self	2558 W. Spruance	✓		
Wm W. Self	" " "			
Wm W. Self	2015 Dene H7	✓		
Wm W. Self	15546 Zimberly Rd	✓		
Wm W. Self	1107 W. James St.		✓	Choice
Wm W. Self	1057 N. Howard Ave	✓		
Wm W. Self	Woodington 93704	✓		Choice
Wm W. Self	1777 West Reservation	Freedom		
Wm W. Self	617 Main Pl	✓		

CASEY CROSS

617 MAIN PL.

FREE CHOICE

Erin L. Volland
Fred Volland
A. L. Olson
Anita Fletcher

1512 Garland Ave, Fay-
1512 Garland Ave Fay.
2417 A SAGECROFT Spoke
456 W. Adams St Fayetteville
250 Briarhill Farmington

Business Choice
Business Choice!!
CHOICE
CHOICE!
Choice

(11)

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL ! KEEP IT A CHOICE !

NAME	ADDRESS
Grady Maxian	Springdale, AR
Mandy Maxian	
Tommy McPari	Fayetteville, AR
Leah McPari	2960 Deadorse Mt Rd. Fayetteville AR 72701
Michelle Ingram	229 E. Ashbe St Fayetteville AR 72703
Wendy Oquar	299 E. Ashbe St Fayetteville AR 72703
Erica McCord	1700 S. 48th St Springdale 72702
Heather Zuercher	1317 Royal De Beauxville AR 72712
Dob Woodbill	2806 W Margaret st. Rogers, AR 72756
Kim Wheeler	12190 N Hwy 59 Gravette, AR 72736
Angela Fairman	50 E Township - Fay. (Bea Key)

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Joe C. Smith	1390 A East Robinson Springdale, AR 72764
Paul J. Carter	P.O. Box 588 Springdale, AR 72765
Jane Macie	2208 Jean St Springdale AR 72763
Jane Macie	2202 Jean St Springdale AR 72762
Janet Macie	1926 E. Appleblossum Lowell, AR 72745
Quotie Gauder	910 A Heather St Springdale AR 72764
Phyllis Pearce	P.O. Box 635 Benton, AR 72710
Robert Davis	9621 Hwy. 21 South Berryville, AR 72616
David Mackin	9621 Hwy 21 South Berryville, AR 72616
Mr. Thompson	171 Madison 1510, HURSTON AR 72740
Glenn E. Thompson	171 Madison 1510 Mountville, AR 72740
Mr. Thompson	171 Madison 1510 Mountville, AR 72740
Mr. Thompson	966 Madison 1480 Huntville, AR 72740
Mr. Thompson	1635 Naptune Fayetteville, AR 72701

Common Grounds

Guests and Members

161 Against the Ban
8 For the "

Let us know how you feel about making bars and restaurant smoke-free

Do you think it should be a CHOICE or GOVERNMENT BAN ?

Signature	Address	FOR	AGAINST	Leave it to the Business
K. J. Lom	2999 N. HIGHTMOUNT FAY			X
M. S. S. S. S.	1712 RIDGEVIEW, SPD		X	
G. S. S. S. S.	5809 BOWDER LAY FAY		X	
Ala. A. A. A.	3323 W. W. W. W. FAY		X	X
B. S. S. S. S.	13705 G. G. G. G. FAY		X	X
E. S. S. S. S.	5720 N. L. L. L. FAY			X
S. S. S. S. S.	1150 S. S. S. S. FAY			X
S. S. S. S. S.	12143 B. B. B. B. FAY		X	
R. S. S. S. S.	843 N. O. O. FAY		X	It will kill business in Fay !!
K. S. S. S. S.	1578 N. G. G. G. FAY		X	X X X X X X X X X X
L. S. S. S. S.	2495 J. J. J. J. FAY		X	X
M. S. S. S. S.	215 N. L. L. FAY		X	Yes
W. S. S. S. S.	418 W. D. D. FAY		X	Yes

10 10

Signature	Address	FOR	AGAINST	Leave it to the Business
John S. Taylor				X
Paula Taylor	950 Linden, #16 Fayette, AR 72701			X
John S. Taylor	1790 N. Simcox, Fayette, AR 72701			X
Robert Taylor	2012 N. East-Dallas		✓-or-	✓
James Edwin Taylor	635 Whitham Ave. Apt 12			X
Frederick Taylor	641 WHITHAM AVE, #1-7			✓
James M. Taylor	3079 Essex Dr. 72704			✓
Paul Geber	828 S. 20th St.			✓
John Hoffman	1504 W. Minnesota		✓-or-	✓
Walter Holland	828 S. 20th #3 Road		✓-or-	✓
David Emerson	1198 W. Ridge Way		✓ All the way	✓
Kyle Winters	4416 Oak Leaf Dr. Wynn, OK 74132			✓
James Winters	1814 Railroad St. / Oakley			✓
Debra Winters	115 Baker #117 Timberline			✓
John Winters	210 S. School #1 72701			✓
John Winters	1723 Reservoir Dr			✓
John Winters	16916 Century Dr. Fayette, AR 72701			✓
William Winters	1610 N. Foxhunter Rd. Fayetteville			X
James Winters	5491 Tipton Rd Fayetteville AR 72704		✓	X
Patricia Winters	1227 Robinson Dr. Fayetteville	✓		X
William Winters	100 Skelton Dr Fayetteville AR			✓
John Winters	" " " "			✓

1 5 20

Signature	Address	FOR	AGAINST	Leave it to the Business
<i>[Signature]</i>	684 N GARLAND Apt A Fayetteville AR 72701		X	
Marisa D. Miller	253 W. Essex Fayetteville, AR 72704		X	I Agree. Notary Business but Patrons
Jamie Wright	1611 S. 30th St. Roxes, AR 72758		X	
Kim Muller	2232 Brimwood Fayetteville		X	
Erik Ketyay	1674 Euclid Cr Fay AR 72701		X	
Tim Younger	1672 Evelyn Circle Fay. AR 72701		X	
James Leary	1299 Electric Ave J109 Springdale AR		X	
333 Grand Tangle	1299 Electric Ave J109 Springdale AR		X	
Florida Chaudry	1760 W. Live Oak Dr. 6 Fayetteville AR		X	
Kyan Long	2142 N Chestnut Fayetteville AR		X	
Rachel Walker	914 N. Rush Dr. Fay 72701		X	
Sam Houser	914 N. Rush Dr Fay 72701		X	
Austyn Houser	1901 W. Spaulding Springdale AR 72704		X	
20311 Houndstooth Springdale AR 72704			X	If you don't want to be around smoke don't go anywhere near it.
376 Airparks Ave Fayetteville AR 72701			X	hell yeah.
604 W. Hittman #2 Fay, AR 72701			X	ABSOLUTELY
1118 E. LAFAYETTE Fayetteville AR			XXX	YEP
Rockelle Burnsde	1087 W. MISSISSIPPI Fayetteville AR		X	I don't even smoke, if I'm against it.
LAURA VINARS	503 S. E. LANGE DR FAYETTEVILLE AR 72712		X	
Kirk H. Hays	1003 SE 5th St Beateville		X	FREE DON
1175 Leroy Pond Dr. #158 Fayetteville			X	why take away more rights?
Bryan McNulty	2014 S Lafayette Fayetteville 72701		X	

Signature	Address	FOR	AGAINST	Leave it to the Business
Phil Burton McCay	456 W. Prospect Hwy. AR		X	ABSOLUTELY!
John L. Lee	14715 Friendship Court AR		X	X
Althea Field	705 W. Putnam St		X	Individual Constitutional Rights NUEF SAID
Steve McLean	124 E. Main			D1970
Johnny Stamps	502 N. Washington Apt 3		X	X
Wendy Stange	502 N. Washington #3		X	X
M. Stx	3242 Charing Cross F. AR			X
Wm D. Starnes	641 D. Washington F-34. AR 75083		X	
Angelad. Cicirello	2506 W. Sycamore		X	X
John Medley	621 N. Reagan		X	
Steve Stuller	2148 Marshall Ave. M.		X	X
Steve Stuller	204 Miller		X	X
Steve Stuller	47 COURT		X	NO
Thomas Stutz	1991 Stearns Dr.			✓
Scott Davenport	411 Spruce		X	X
Orly M. Eshel	2718 N. Club Dr. Apt 12		X	X
Leslie Greene	705 ASPEN Pl Prairie Grove, AR			X
Steve Stuller	1500 N. Little Rock Apt 6 Fayetteville, AR		X	Leave it to the BKE!
Steve Stuller	1002 Apple St. Fayetteville, AR 72701		X	OK VIOLETS
Steve Stuller	201 A Lafayette Fayetteville		X	X
Wint Stammers	2667 Old Circle Rd		X	
Conor Stoney	818 Porla Rd		X	X

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Page 1

Signature	Address	FOR	AGAINST	Leave it to the Business
Mamanda Powell	2667 N. Odell Ave		X	ABSOLUTELY
Stephen P. Powell	555 N. Maple St.	X		It is a health issue. It should absolutely be a business owner's right.
Kevin D. Cohen	2014 W. Lafayette		X	Totally
Julie Starbuck	2035 Smokehouse Rd		X	Totally
Andrew	1619 Pecan Way		X	Totally
Don Limbe	2181 Austin Dr.		X	Business owner's right.
Chris McElly	3210 Cherokee Rd.		X	Business owner's right.
Julie E. L. L.	1790 Sioux Ct. Frey, AR		X	YES!!! ADULTS ARE ADULTS
John E. L. L.	3204 Minnesota Way BENTONVILLE, AR 72712		X	Smokefree Fayetteville is good for business!!
Eric L. L.	1885 Harold St 72703	X		
Kirk L. L.	1885 Harold St 72703	X		
Amberlyne Brooks	1607 E. Prospect 72701	X		I want to be protected
John Brooks	1607 E. Prospect 72701	X		Absolutely Not!
Heron Brown	201 Locust 72701	X		still a free country?
Dr. Shannon Hohrig	201 W. Locust St	X		I support free Fayetteville please don't take away rights
Mike Burkholder	201 W. Locust St	X		YES
Pepe Hall (Ald)	116 S. VIRGINIA AVE, Fayetteville	X		IF YOU TAKE THIS AWAY IF THAT IS NEXT? It is a business owner's right. Next prohibition, etc.
Vanessa Hunter	706 TREADWELL #3	X		LEAVE IT TO THE BUSINESS OWNERS
Mike	4166 W. WILCOCK RD #34	X		Owners should decide. Perhaps designate smoking & patios with no signs outside or require air filtration.
William Brown	673 N. Lindell Ave 72701	X		YES
Sam De Paris	338 S. E. TOWN STREET #108	X		YES
John E. L. L.	520 N. Mission Fay 72701	X		Am I right to decide!

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but smoking, from what's next? think about it. I DON'T EVEN SMOKE. what's freedom? freedom!

Signature	Address	FOR	AGAINST	Leave it to the Business
Thom Brown	12133 Bladen St. Lowell	X	Against Non-Smoking	
James Turner	4109 S. Quaker Street, Erie, Pa.	X	Against Non-Smoking	
John S. ...	222 Madison 78442	X	Against Non-Smoking	
John S. ...	155 Madison 6410	X	Against Non-Smoking	
John S. ...	1201 N. ...	X	" "	
John S. ...	1819 ...	X	" "	
William ...	1556 N. ...	X	Leave it to the business	11 11 11
John ...	217 W. ...	XXXXXX		
Arthur ...	716 Treadwell St. Apt. B	XXXXXX		
Mathew ...	114 N. Olive	XXXXX	Against	
John ...	1312 S. College	X	leave it at home.	
William ...	80 Br 157, ...	X		
John ...	2135 Elizabeth	X	Private Clubs are PRIVATE	For a reason!!!
John ...	4189 N. ...	X		
John ...	2030 S. 21st	X		
John ...	2135 Elizabeth	X		
Anna Tucker	477 Elmgreen Fayette	X	Should be Rest. decision	
John ...	528 North ...	X	11 ...	
John ...	65 S. Duran Ave. 12	X		
Nick ...	655 ...	X	This will hurt business and make me a vigilante	
Carrie E. Nelson	829 ...	X	Impeach Coady!	
Christa L. ...	329 N. Oakland	X		

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-Billie!

Simple Free

Signature	Address	FOR	AGAINST	Leave it to the Business
Janet Moore	228 Ripstick	X	X	yes
John Moore	1147 Madison Elks	X	X	yes
John Moore	Forest Hill	X	X	yes
John Moore	2195 Quince Rd		X	yes
Valerie Jones	Maple Hill Fayetteville Cedar Hill High Ave		X	yes
CAROL O'SHA	FAYETTEVILLE		X	yes
Jason Polk	2715 Duncan Ave		X	yes
MARSHALL	1222 MT. COMFORT RD. Hwy.		X	yes
Mary Frances Lunsford	103 Glenwood Pl, Salem Sp		X	yes
Leah T. Horton	151 W. Stepterson Dr		X	yes
Heather Horton	33 W. Rosdick, Fayette		X	yes
Sam Lunsford	1155 E. Edwards Rd		X	yes
Sam Lunsford	1740 Geary		X	yes
Corey Lunsford	205 N. Church #3	X		
Corey Lunsford			X	yes
Chris Moore	1375 W. Carriageway		X	yes
Jennifer Lunsford	1375 N. Carriageway		X	yes
John Clark	1768 N. Woolsey			yes
Rachael Armstrong	1764 N. Luskoff #226		X	
Paul Jackson	1032 Jasper #28 Springville		X	yes!!!!
James Lunsford	181 W. Newfear		X	yes
Judie Strickland	685 Lindell Ave	X		

Signature	Address	FOR	AGAINST	Leave it to the Business
Charles Jordan	101 W Mountain		X	Yes
Charles Jordan	309 S Block #2		X	
Charles Jordan	309 S Block #2		X	
Charles Jordan	179 Boies St.		X	
Amelia EO	1173 Pepper Tree Ln		X	Yes
David Olson	4739 Silent Grove		X	Yes
Justin Gray	363 E Fletcher		X	Yes
Christina Wright	310 E. Glendon		X	Yes
Thilo Jankin	908 Quora Avenue Dr		X	yes!!!
Deanna Neenan	PO Box 1027 72704		X	yes!! or will go
Deanna Neenan	403A ASDP106		X	yes!! to springdale!!

yes!!

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Neva L. Smith	1360 E. Robinson - Springdale, AR 72764
David Ferguson	4657 Briarfield Coach Rd Springdale 72764
Melvin G. Dyer	1603 D Appleton Springsdale, AR 72764
James R. Dyer	412 E. 4th Springfield, AR 72764
David J. Dyer	P.O. Box 835 Fayetteville, AR 72740
Quandra Henderson	283 Mad. 6375 Monticello, AR 72740
Julia Wright	702 W. Lakeview Dr., Rogers
Art Beauchamp	269 Madison Humblett, AR
Merlin Beauchamp	279 Madison 8648 - Humblett, Ark.
Mike H. Blush	1668 Whistlers Lane Springdale, AR
C. Mae Eberts	11830 Cemetery Rd. Rogers AR 72756
Donnie Randall	717 Aspenridge S. Dale AR 72764
Kevin Campbell	607 James - Springdale AR 72764
Clarey Hiltzworth	650 Oakridge Dr. Springdale AR 72764

[illegible]

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

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KEEP IT A CHOICE!

total

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NAME	ADDRESS
Scott Schneider	1913 S 9th St Rogers Ar
GILCHAFEE	1937 W LAUSON ST. AR
Tony Farnam	2113 N. Kantz Ln. Fay, AR
Gene Higgins	78 W. Aqua Crossing #9
Joe Litzinger	2563 N. Elizabeth Ave Fayetteville AR
Scott Lewis	5725 W. Van Gogh Fayetteville, Ar.
Kelli Ann	16304 River Ridge Fay AR 72704
Jack White	355 Fletcher Ave AR 72701
Colby Breaux	15920 Old 12 Crossroads Cheate AR
Tasod Shanbaugh	603 North Lovett Ave Fayetteville, AR 72701
Louis Best	18001 ELIZABETH DR SPRINGDALE AR 72764
Walter Rutt	2337 KANTZ Lane Fayetteville AR 72707
Joel G. Peltzman	17701 NATIVE Rd Lincoln, AR 72744
Ann DePrest	209 K. Alder DR Farmington, AR

George N. Block
Ray S. Slaughter
Tom Shoup

6950 Can Corner Fayetteville AR 72705
130th New Hope Road, Rogers, AR
P.O. 713, Cle Elum, WA 98422

11-11-85

NAME

ADDRESS

Mark Seal	880 Kensington Ave Springdale Ark 72762
Alto Stephens	933 Holliswood Ave. Fay. Ar. 72701
Mark Adams,	729 Cleveland St Fay. Ar 72701
James D. Hurd	729 Cleveland St Fay. Ar 72701
Wile L. Jones Jr	523 N. Leonard St Ave. Apt. 3 Fay. Ar 72701
Gene Starnes	4203 Cherokee Rd. Rogers, Ar 72758
Ketchumfield	080 Bay 4585, Arkadelphia, Ar 72428-0001
Steele	Spangdale Ar.
Theresa Fairchild	1416 W. Chestwood Fayetteville, Ar 72701
Walter Lunsby	13162 Red Rock, Fayetteville
Carlton Roberts	2105 N. Balle, Fay. Ar 72703
Stephen J. Langner	601 E. Ash Street Fay. Ar 72703
Johnny Kynette	20510 Furrow Fay. Ar. 72703
Grand Collins	3701 Coach Rd. Fay. Ar 72701
Eric Deneke	2605 Villa Blvd # 223 Fay Ar 72703
James Harris	617 Edna St. Fay Ar 72703
Bill Sullivan	1395 S. Friendship Springdale, Ar 72764
Cheney	512 Highway 22. Springdale Ar 72762
Robert S. Gurns	4463 Double Springs Rd. Fayetteville Ar. 72730
Deborah S. Gurns	4463 Double Springs Rd. Fayetteville Ar. 72730
Eric Sims	1841 Park Lake Dr #1 Fay. Ar 72763
Ann Pastiswicz	14294 Lake Forest Searcy Ar 72761
C. W. Ward	2241 Coleman Ave Fayetteville, Ar 72701

NAME	ADDRESS
John Finch	328 S Duncan Ave Fayetteville 72701
Robert Finch	" "
Kent Jenkins	218 W. Birch St - Rogers, Ark 72756
JAMES MACALLY	4 E. CYRUS FAHRT. AR 72702
Jonathan my. Williams	8135 Fairway Dr Rogers AR 72756
Beth	1705 BETH DR. ROGERS AR 72758
David	1305 W. Cypress Rogers Ar. 72758
DAVID W. SMITH	18 So 92nd ARLINE 72703
Serky Tictor	4131 Kingsburg Dr, Springfield AR 72763
Joseph Dearing	135 N Duke Spring Farmington AR 72740
James Barnett	3098 N Green Ave #4 Fay. Ar 72703
Casey Kay	185 W Ken Gosh Fay. AR 72703
Margaret Dickson	0302 Beechwood Dr. Rogers, 72755
Walt Shaw	2650 N. Villa Blvd. #109 72703
Joshua Robich	2470 Bishop Circle, Fayetteville AR 72703
James McGee	2308 Dogwood Pl Springdale, AR 72762
Nan Kessler	2308 Dogwood Pl Springdale, AR 72762
Rebecca Kessler	2308 Dogwood Pl Springdale, AR 72762
Steve Lampton	850 S. CALIFORNIA Fayetteville AR 72701
William Sautter	807 N. Yale Carlisle AR 72024
Indy Lynn	3001 Cherry Cross Fayetteville

NAME

ADDRESS

Adrian McQuinn	623 Oakland Fayetteville
Barla Peor	281 N. Plaquemine Dr #10 Fayetteville
Base Armstrong	3712 E Chadwick Dr Fayetteville, AR
Jason White	355 Fletcher Ave, Fayetteville, AR
Kevin LeBlanc	98 W Maple Fay AR 72701
ELIZABETH NOVAK	412 E. Parks St Prairie Grove AR
Michael Rethus	412 E. Parks St Prairie Grove AR
Scott Sanderson	37755 Grassy Creek Rd Fayetteville
Tim Longaco	2423 Jane Lane Dr Fay AR 72704
Isaac Kanner	503 W. Laverne Dr Springdale, AR
Mike Roden SE ML	31 Keweenaw Rd, Rogers AR 72756
Monica Taylor	31 Keweenaw Rd, Rogers, AR 72756
Chris Schmitt	405 STEA Bessville, AR
Jonathan Cooper	842 N. Wright St. Siloam Springs, AR 72761
Yvonne Ferguson	136 E. Sunrise St. Fayetteville, AR 72701
MIKE DRAKE	360 W. East Ave - Elkins, AR 72727
Robbie Aboe	300 W. 1st Ave - Elkins, AR 72727
George McElwain	515 Washington Van Buren, AR 72956
Walter Hest	4349 Seawall Rd, Springdale, AR 72762
Chad Mathis	10513 Tara Lane Rogers AR
Rebekah Mathis	21163 Richland View Rd. Elkins, AR 72727
Ronald Barnett	808 Pennington St. Lowell, AR 72745
	808 Pennington Street Lowell, AR 72745
	207 Dogwood Pocola, OK 74902
	2660 W. Wedington Dr. Apt 35 72701, AR

Wick A. Beale

2400 Boston Mt. View FU ~~22701~~ AR 72701

NAME

ADDRESS

⁽⁴⁾ Brian Spencer

1806 Main Crossville, MO. 65625

Mary E. Hineswell

1615 Green Acres Cir. Springfield, AR 72704

Walter Brinson

1708 W. Drake St Fayetteville, AR 72703

Lawrence Kolston

13077 W. Highway 16 Fayetteville, AR 72704

Reunice Evans

1112 Baggett Prairie Grove, AR 72753

Walter H. Hineswell

6558 Daisy Ln, Springdale, AR 72764

Walter Hineswell

3648 Whippoorwill Ct Fayetteville, AR 72701

Ray Lewis

1466 WEATHERWOOD CT. FAYETTEVILLE, 72704

Stacy R. Riddick

2406 E St James Pl. Fayetteville 72701

Howard Spencer

4 Hamilton Emerald St. Ark.

Jerry Hedges

2175 Montclair, Silas Rogers Ave 72761

Mark Kahan

P.O. Box 1819, Springfield, AR 72765

Robert Pulam

2100 N. Leverett #129 Fayetteville, AR

Heather Robinson

2400 E. St James Place Fay. AR

Chad Coleman

785 W. Stone Fayetteville, AR 72701

April Thompson

775 W. 1st North R. Fayetteville, AR 72703

Shirley C. Hines

2181 MEADOWCREST WAY, MAGNETUS, AR 72701

Joe Hines

2504 Sweetbarn Drive, Fay. AR 72703

Dennis Clinks

2137 Walden, Fayetteville, AR 72703

Jeremy Tanker

2312 Briarwood, Ln Fayetteville AD 72703

Randy Hunt Sr

1701 W. Sycamore #38 Fayetteville, AR 72703

Jim Hines

229 JCE St, FARMINGTON, AR 72730

⑩ NAME

ADDRESS

Chris Tompkins Chris Tompkins
Joa Lindeman
Al Witte
Paul W. Weckel
Barry Wall
Gregory & Donna Robinson
Mark Harris
Robert N. Richards
Lindsay Ortega
Kate Knox
Paul & Yolanda
Coley Oumalla
Agnes Oumalla
Frank Oumalla
Nanci Walker
Frank & Betty
Justin Williams

2653 Dewberry Ct Fayetteville AR 72701
3565 Sandape Dr Fayetteville AR 72704
515 W. Cleburn St. Fayetteville AR 72701
473 Ketch Ct. Springdale AR. 72762
473 Ketch Ct, Springdale, AR. 72762
1213 Madison 7800 Wadley Arkansas 72773
725 W. Stone, Apt. C Fayetteville, AR 72701
1652 Markham rd. Fayetteville, AR 72701
1981 Manor dr. Fayetteville AR 72701
3015 E. Joyce St. Fayetteville, AR 72703
772 N. 51st Ave Fayetteville, AR. 72704
1022 Lancelot Fwy AS. 72701
8171 Fairview Dr. Rogers AR 72756
407 W. Laverius Springdale, AR 72764
2515 Orleans Drive Rogers, AR 72758
3 Cambridge Dr. Belle Glade, AR. 72714
900 Atlantic St. Fort Smith AR 72901

NAME

ADDRESS

Bear Eledge
2091 N. Kandy Ln
Fayetteville, Ark 72703

Carlton Saffa
1124 N. Stadium
Fayetteville, AR

SUSAN SAGE
136 E. SPRING
FAYETTEVILLE, AR 72701

① NAME

Tanya Schneider

ADDRESS

3001 Webster #116 Bay #2 72001

NAME

ADDRESS

David A. Bost (and Don's smoke)	226 Watson St Fayetteville AR 72701
Deborah L. Bost	3406 Rosewood Fayetteville AR 72704
Armond Orr Jones	540 Litten Hr. Fayetteville AR 72701
William B. Johnston	302 South Hill Ave, Fayetteville AR 72701-WARD 1
James W. Hanks	1003 S. Lakeview Dr. Rogers AR 72756
James Hanks	13836 Green Rd Westville 72724
William Hester	1530 W. Spauldine St Fayetteville AR
DOUG MORGAN	2005 South A. Condon Fayetteville AR
DOUG MORGAN	2550 Hill Dr Condon Fayetteville AR
Jeff Haskins	2823 Orchard Spensdale Dr 72764
Phillip Eubanks	238 S. Church Ave Fayetteville AR 72701
DAVE PALME	705 Creekswood Dr Rogers
Charla Miller	1241 North Lindell Fayetteville AR 72703
Darla Harris	504 Crestwood Sprg Dr 72764

Let's try to Stop the Smoke Free Fayetteville

NAME	ADDRESS
Robby Patterson	11190 N. Norman Rd. Prairie Grove
Jimmy Sluens	11870 Hwy 265 So. Prairie Grove
Quentin Sluens	29 Napier Ave. Hwy.
Anthony W. Sluens	12392 GREEN RD (WC) 34 WEST FORK
James W. Sluens	8495 Wood
Robert W. Sluens	1940 S. Central Dr. Fayetteville
Dean Sluens	2575 W. 6TH
Raymond Sluens	2575 W. 6TH Fayetteville
Paul C. Sluens	554 S. Buckner Fayetteville, Ark
Mike Sluens	1144 Dunn Fayetteville
Matt Sluens	PO Box 554 Elkins AR 72727
Robert Sluens	PO Box 365 Melbourne AR 72556
Sam Phillips	PO Box 365 Melbourne AR
Eric Clark	15 Treator Fayetteville
Brana Brockman	2414 N. Jeremiah Place, Fayetteville AR 72703
Rachel Rounsavall	1949 Juneway Terrace Fayetteville, AR 72703

Petition to Say NO to the BAW ON SUNDAY in WING CHURCH

NAME	ADDRESS
Angela Dorman	388 East 9th #2
James Siple	388 East 9th #2
Willie Gaskler	698 W. 15th Fair
Valeria Steiner	2396 John Wagoner Dr. Fair
Richard Murray	2005 Dorthy Seave St
Elizabeth Cunningham	309 S. School Fair, La 2201
Marilyn Carter	1220 Ellis Ave Fair, La 22701
Ed Harris	5490 W. Wheeler Fair, La
Paula West	1101 S. Garth Fair, La
Thomas	W. Lee R. Jay
Jackie Glenn	70 801 303 W. F. R.
Donna Smith	1235 S. Klinea Fair, La
Charles DuBois	16019 Locust Ln Fayetteville, La
Joshua Boyd	2500 E. Kente Apt. 1 Fair, La 22203
Mr. Thomas	4155T FINE K
	14020 Hwy 265 So. West Fork

Petition to cancel to the KKK membership in 1989 Chick's

NAME	ADDRESS
Robert C. Bragg	
Walter L. Bragg	
Bill L. Bragg	
Wally Bragg	
Joe Morgan	1351 Carriage way FAY
Mark (Lynn) Morgan	13459 Rock Springs Rd Lucile AL
James M. Morgan	
Alfred Morgan	
Bill Morgan	
Joe Morgan	1315 Fishers Ave
Walter Morgan	1731 W. 18th St Fayetteville
Wendell Morgan	1231 W. 18th St Fayetteville
Connie Morgan	422 W. 13th Fayetteville
Al Morgan	764 N. Larkspur Lane Fayetteville AR 72701
Walter Morgan	1900 E 15th Fayetteville AR 72701
Julene Ford	16048 Hwy 715 West
Estelle Pichyn	315 S. Rock Alley
Wally Barker	1722 N. College C-226 Way
Lyndon Cohen	1984 N. East Oak's #6 Fay.
Walter Barker	P.O. Box 547 West Fork AR.

Petition to Say NO to the BAO ON MONDAY in Union Church

NAME	ADDRESS
STARK W. LEON	1212 S. DUND ST. Apt #8 Fayette
Sandra E. JOHNSON	829 West North Fay Ave
Andrew Foster	10188 Thunder Rd Fay Ark
Shirley Hall	1793-D Shambin Ave. Fayetteville 72701
Jerry Pennington	1107 W. Jones Ferry, Ar, 72701
Marbette Smith	1348 Copperhead Rd Wilshire AR 72759
Charles E. Walling	4394 Falcon Drive, Fayetteville 72701
Steve Terry	1824 E 4 th St Fayetteville, 72701
David Foster	13187 Cove Creek Prairie Grove 72753
Mary Henry	295 W Mountain Dr Fayetteville 72701
David & Dickie	14438 S Hwy 265 West Belk, Ar 72724
David M. Lee	1212 Run #11 Day AR 7275
Joe Kunkleberg	197R Dun #11 Hwy 4915
Henry Richardson	26020 Ed-wards Fayetteville
Ellyn Jones	379 W. C. S. Hollar Rd Fayette, AR
Paul Rust	3650 W. Long Hollow Fayette AR 72701
Charles Cone	1110 Lakeland Dr. Fayette AR 72703
Paul Duvens	1444 Arrowhead St. Fayetteville, Ar. 72701
Marlene Foster	2071 West Street Fayette
Debra Hadden	2071 Chestnut Fayette

NAME	ADDRESS
DAVID LEVINE	1920 EAST LEE STREET FAYETTEVILLE, AR 72701
MARY BOSSETT	222 S. College FAY AR 72701
MARKIAM WILSON	21 Maple St #12 West Fork AR 72774
MIKE TILPITT	702 Spore St. FAYAR 72703
Angelina Rayne	2424 W. Sycamore FAY, AR 72703
Jack	156 Buckwalter
Mary Ann Lee	11690 Walnut Rd.
John Moore	1327 S. Dinsden FAY, AR 72701
Donna Engle	18910 Sycamore Walnut AR.
Denoma Johnson	1101 S. Washington Ave. Fayetteville, AR 72701
Paula Williams	891 MEHRAR #98 FAY. 72703
Wally	2295 Canyon Circle FAY. 72701
Wally Douglas	302 E. 6th St.
Wally Douglas	12168 Arkansas Rd.
Donna (Mrs)	819 Southfield Ave Springdale Ar.
Robert Abernathy	1400 1/2 15th Street LOT 2 Fayetteville
Donald Brown	PO Box 1401 FAY, AR 72702
Reynold Vickrey	14598 Low Gap Rd West Fork, AR 72724
Jack Wilson	405 E 6th FAY. AR
Samuel Johnson	205 W South Street Fayetteville AR 72701

Petition to SAY NO to the BAW ON SUNDAY in Wm's Church

NAME	ADDRESS
Cecelia Kile Sear	3556 Mt. Carmel RD Lot 43 Springville Ar 72704
Bona Yelkins	1415 S. School Fargo N.D.
Dolores K. Garland	2026 W Stone Fayetteville, Ar
April Downey	12500 Rose Cemetery Rd Prairie Grove, Ar
Cherie Taylor	16703 W. Munford Rd. Cane Hill, Ar
Roy Cooper	Pony 566 Farmville Ar.
Paul Small	
Sherry Lee	Smith Rd Elkins
Jeffrey Farquharson	Park Street
Christal Giventhay	25 Brown Farmington, Ar
Jane Owen	16566 Harlow Rd Fay Ark 72704
Frank Reed	1409 1/2 Al Garland
Keith Mc Duell	Sumner 8000 219 W 53rd St Fay. Ark. 72701
Mark Turner	
Max Stovine	Box 1 Elkins Ark
Wesley Smith	1024 Fay Ark 72701
Reid Janover	Box 2 Fay Ark 72703
William L Janover	Box 2 Fay Ark 72703
William L Janover	Box 2 Fay Ark 72703
Tom Tacker	Box 3 Hany BP Fay ARK
Joey DeJohn	Box 3364 Fay Ark
Kent M. Howell	Box 4 Fay ARK 72704

Collection to Stop the Smoking BAN

NAME	ADDRESS
MIKE HUMPHREY	733 EDNA FAY, AR
Joshua Tamer	1748-C Shambelin Dr, Fayetteville, AR, 72703
John Hollman	1125 W. End 313 0425
Arthur Wallace	16728 Hickla Rd Elkins, AR 72727
Walter G. Holmstrom	222 Maple West Fork AR
DALE MASTRE	2398-C N. DEAN SLAYTON RD Fayetteville 72703
CONNA SMITH	184135 Beane Road
Ben Oakes	1430 S. School
Rebecca Williams	2044 N. Goodell
Tomson	2000 N. Goodell
Ferry Carr	55 Sully
Freda Beate	Highway 67 E #12
CURT / MOSCO	214 S. Scott
Joe Riggs	Ship W. Goodell
Simant Baccus	Heaven
David W. Fay	Heaven
Barry Bykerman	Palmer S. Cellys
Kathy Williams	Heaven
Barbara Williams	Heaven
Paul John Daulton	571

Petition to Say NO to the BAA ON SIGNING in Spring 2005

NAME	ADDRESS
Brian Young	17656 Habbertson Rd. Fayetteville
Reginae	2164th St Fayetteville AR 72701
Mark Stevens	P.O. Box 4254 Fayetteville, AR 72702
Quinn Evans	132 School #703 Fayetteville, AR 72701
Leanne Casler	209 E Harold Way. AR 72703
Robert Bortle	RTS Hwy AR 72701
Sam Young	294
Jennifer Rust	3600 Wilson Turned Fayetteville AR 72701
Michael Hustie	1614 E. Heather. 11e Rd 251 8860
Dea Sue Dixon	Bennice Fay. Ark.
Glenn D. Leary	2937 Dorothy Overman 344 or
Heather D. Amos	13275 W. Amos 344
Jandra Adams	900 N Leverett St
Leslie Willis	1540 N Garland #15
Shawnti Willis	2748 Barcelona
Maecie Willis	233 W 4th
Betty J. Danner	1901 W Shady Grove Rd B-21
Donald J. Danner	27713 W. 10th
Donna J. Danner	112 S. University Fayetteville
Donna J. Danner	320 Barton Avenue, Fayetteville, Ark.

Petition to Say NO to the BAN ON SUNDAY MORNING CHURCHES

NAME	ADDRESS
Lyndie Luthie	602 Alimony Ave 72201
Frederic Mearns	20298 Alameda St #3
David Mearns	1 N. School Ave Fayette
Don Mearns	1900 W. Emma
Jack Mearns	6442 W 15th Fayetteville AS.
James W. Mearns	21558 Springstar Ford Rd. Fayette AR
Stuart Anderson	21558 Springstar Ford Rd. Fayette AR
John Mearns	1135 S. Emma Fayette AR
John Mearns	3941 Crossbar Fayette AR
James Mearns	1400 E. 15th #83 Fayette
William Mearns	49 W. Oak Trail Fayette AR 72201
James Mearns	49 W. Oak Trail Fayette AR 72201
John Mearns	636 Betty Joe
William P. Mearns	P.O. Box 321 Greenland, AR. 72737
John Mearns	1610 Backus Springfield AR
Reginald Mearns	17197 Black Oak Rd Collinsville AR
James Mearns	13273. Dunbar #9 Fayette AR
John Mearns	11302 South Fork rd Collinsville AR
John Mearns	90 Pleasant St West Fork AR 72724

Petition to Say NO to the BAA on swimming in Spring Creek

NAME	ADDRESS
Courtney Willford	1018 S. Washington Fay
Betha S. Andley	641 N. Whitman Ave #1-5 Fay
Jodie Mayfield	641 N. Whitman Ave 1-5 Fay
DEBORA SIMPSON	524 SAUG FAIRHILL
Debra Asford	574 Saug Fayetteville
Laurie Shepherd	16307 Hazel Valley Rd. Fay. 72701
Randy Shepherd	16307 Hazel Valley Rd. Fay. 72701
Angela Badley	31937 Hays 225 Hindsville Ar
Estelle Brock	#1 S. S. S. Fayetteville, Ar 72701
Sue Dahl	Box 2223 - Fayetteville
Mike Price	Fay
Christina Ward	280 S. Hill Ave 4105 Fay
Jeff Ward	280 S. Hill #4105 Fay. Ar. 72701
Nancy Mayfield	347 E 12th Place Fay Ar 72701
NOBBA WARD	889 COLA Ln. Fay. Ar. 72701
Roberta Wadley	1212 Pan St apt 1, Fay Ark 72701
John Cunningham	PO Box 352 Postville, Ar 72704
Mike Slee	10246 Landliss Rd. Lincolnton, Ar 72859
Connors	246 Box 2603 Fay Ar
Roy Phillips	359 Hill Ar. Springtown

Petition to Say NO to the BAW on smoking in work places

NAME	ADDRESS
Paul & Audrey	11397 Oak Rd Prairie View
James & Audrey	11397 Oak Rd Prairie View
Richard & Ruth	741 Moravia Side Dr #38
Grady Smith	1949 Arrowhead Dr
James & Ruth	3480 E. Huntress Ave
James & Ruth	West Fork, Arkansas
Missy & Eugene	1110 Huntville Rd Fayetteville AR 72701
Bob & Phyllis	2880 Bowie Dr City
Don & Ruth	P.O. Box 36 Coalinga Ar 92221
James & Ruth	5 N. Pelland Ave
James & Ruth	5 N. Pelland Ave
James & Ruth	5 N. Pelland Ave
James & Ruth	258 S. Church Ave
James & Ruth	308 S. Willow Ave. Day AR
James & Ruth	308 S. Willow Ave. Day AR
James & Ruth	3180 Rockford Dr Fayetteville AR
James & Ruth	1080 Ballwin Ave
James & Ruth	309 S Block #10 Fayetteville AR
James & Ruth	1561 21st St
James & Ruth	P.O. Box 144 Greenland AR

Petition to SAY NO to the BAN ON SMOKING IN OURS "CIGARS"

NAME	ADDRESS
Mathus Rathiff	2117 Emma
James Eason	11592 Ed Edwards Rd
Henry C. Putnam, II	1415 S. School Apt 1
Sammy Henderson	13170 4th Avenue Albion Ark 72227
George Colonious	P.O. Box 9904 Springfield, AR 72766
Paul Brown	3480 S. Harts 11418 RD #36 Fayette AR 72701
Joe Sharp	P.O. Box 4530 Fayetteville, AR 72702
Bill Elke	492 S College Oaks AR 72701
Anna Hill	602 Warfield #4 Fayette AR 72701
Mike Dilard	14529 Wallin mtn. Rd. West Fork AR 72774
Delene Woodliff	1108 Seward Fay
Ed Woodliff	1108 S Ward "
Jim Kelley	1108 S Ward "
Thomas Cochran	18056 McLeod Rd FOX AR 72727
Thomas Cochran	P.O. Box 3817 Fayette 02
Mike W. Hammond	Box 1 Box 2778 - Windsor Ark 72559
James Hamilton	1357 Pine Creek Drive Fayetteville AR
Alfred Eason	2304 Abbott Ln Fayette AR 72703
Paul Dalton	507 Whillock Rd Fayette AR 72701
	16235 Wyward Fayette 72701

Petition to SAY NO to the BAW ON Smoking in BARS & Rest
 & Clubs

NAME	ADDRESS
Mason Dantson	Alvins Adams
James Moore	504 Lohilock Fay 72701
Louis Vree	331 E 12 th Fay 72701
Gene Tamm	5111 South 32 nd St South 72803
LISA MOHNEY	47 S. Gregg #11 Fay AR 72701
Billie Campbell	394 Madison 6323 Wenden, Ar 72223
Ala D Pk	1400 E 15 th #10
James Thompson	1400 E 15 th #10
Joe Turner	1400 E 15 th #10
Zach Chapman	Huntall E 11 th #10
Nick Kump	2885 Wildwood Fay. AR 72204
Jerry D Jones	173 E. South Street Fay AR 72701
James D Jones	173 E. South Street Fay AR 72701
Joann Schultz	1307 S. Duncan Fay 72701
Carol Mueller	1560 Gayle Murked 72859
Donna Hargus	3480 E Huntswille Rd Fay
Mike Spawden	3480 E Huntswille Rd Fay
Carol Smith	12744 Patton Rd. West Fork
Shirley Smith	701 Oak Ridge Springdale
Bill Calder	701 Oak Ridge Springdale

Petition to JAIL IN U - to the court in connection with 9 Clubs

NAME	ADDRESS
Ally Gytton	608 N. Walnut Fayetteville AR. 72701
Daniel E. Jordan	775 West 2100 Monroe
John Morgan	514 S. Wilson
Joe Hackett	992 Regency Drive
Charles Thompson	1119 S. S. Wilson
James Hackett	
Robert K. Leach	2570 Deadhorse Mt. Rd Fayette AR.
James Hackett	521 N. College Ave. Fayette AR
James Hackett	360 S. Long #3, Fayette AR 72701
James Hackett	854 Elm Springsdale AR 72702
James Hackett	3016 W. Spring St Fayette AR 72701
James Hackett	1013 N. 16th Fayette AR 72701
James Hackett	1013 N. 16th Fayette AR 72701
James Hackett	P.O. Box 54, Camas, AR 72701
James Hackett	2336 So. Chover Fayetteville AR 72701
James Hackett	
James Hackett	1037 Happy Hollow Rd #1 Fayetteville AR 72701
James Hackett	P.O. Box 1668, West Fork, AR 72774
James Hackett	P.O. Box 557 West Fork AR 72774
James Hackett	432 Mission Ave Fayetteville AR

Petition to JURY to the court on commission 9 Clubs

NAME	ADDRESS
Soliet S. Seagraves	3844 St Fayetteville, Ark 72701
Ben D. SALMON	PO Box 4625 Fayette 72702
Judy Simpson	1224 S. Oak St Fayette
Amber Laelock	401 W. 4th St Fayette
Buttup Watson	2932 Susan Canal Fayette, Ark
James Hunter	227 S. C. Noack Ave Fayette, Ark
Stephanie Smith	818 S. College Ave #1, Fayette, Ark 72701
Jodie Atkinson	1101 S Washington St Ark 72702
Don Williams	600 Huntsville Rd Fayette
Mary Thomas	502 N. West Ave. Lincoln, Ark 72744
Roder W. VAN RIVER	14980 PARKER RD. WEST FORK, AR. 72774
Brenda Smith	15110 Trace Branch Rd. West Fork Ark 72774
Mr. Shepherd	1153 S. School Fayetteville, Ark. 72701
Betty Brumley	
Redmett Little	3310 Hwy 71 NE Mt. Rogers 72946
Deborah Shepherd	3 E. South Fayetteville Ark. 72701
Dora Shell	14083 Greenbush St. Fayetteville, Ark 72701
DAVID LOON	FAY, AR
Richard Debel	Fayetteville, Ark
Wanda Peterson	1170 Lake Seawater Dr. Fayette, Ark.

Petition to Day IVU to the court in connection with 9 C.R.B.S

NAME	ADDRESS
MARLENE WILSON	716 E 13th Fayetteville AR 72701
William F. Howard	96 S. Main Ave Fayetteville AR 72701
Muriel Olatun	96 S. Main Ave Fayetteville AR 72701
Marlene	1094 F Happy Hollow Rd Fayetteville AR "
Phoné Chacha	P.O. Box 2001 West Fork, Ar. 72773
Tommy Little	1629 Farmington Rd Fayetteville AR 72701
Shannon Hickey	2575 W. 4th St Fayetteville, AR 72704
Shirley (D) Olson	21 McCre #12 W 5th Fort AR 72704
José Vasquez	872 W Kyle Dr Fayetteville AR 72701
Joshua Smith	16318 SE Campbell Dr Fayetteville AR 72701
Carl Paul	11116 South Highway 71 Winslow AR
SANDI WEAVER	333 S. School Ave, Fayetteville, AR
Justin Towner	13227 Turner Sub Div AR
Rosa Mendoza	1711 E. 5th St. Fayetteville, AR
Eugene Towner	13227 Turner Sub Div AR
Ray Campbell	4428 #8 Valley Lake
Alan Reynolds	1268 W BALEY DR Fayetteville AR 72701
Willetta Towner	1268 W Bailey Dr. Fayetteville AR 72701
Michael Stamps	15554 Parker Branch Rd Fayetteville AR
Mark Stamps	20909 Strickler Rd. West Fork AR

Petition to Say NO to the BAO ON SUNDAY in our Church

8

NAME	ADDRESS
John Brown	1225 S 2009 S SCHOOL AV FAY
John Brown	1724 S W. Rucker
John Brown	600 Harvest Way Rd
Lawrence Jackson	741 Meadowsick Rd #5
David Carter	4080 W. 14th Rd FAY 2224
Arthur Church	10 S Willow Apt 28 A
James Jones	He 61 Box 301 Elexville
Joe Jones	12094 Hwy 23 W. 15th Rd 62226
THOMAS DENNIS	2937 HADDOX EAYETAILLE
Mad Schaefer	2441 F. Hunt'sville Fayetteville
W. K. Ingenu	720 W. 15th St FAY
David Daniels	401 W. 24th St Fayetteville AR
Robert M. Brown	269 Shipley Ln Winslow AR 72959
Samantha Brown	11592 St Edward Rd Fayetteville AR 72701
Abraham Brown	13735 Green P. New York, Ca 72724
James Sullivan	1210 S Puncan Way AR 72701
Robert J. Dwyer	800 W. 11th St #21 FAY AR 72701
James Brown	P.O. Box 257 Winslow AR 72959
James Brown	2222 W. 14th St Fayetteville AR 72701

Petition to Say NO to the BAN ON SMOCKING IN WORK PLACES

NAME	ADDRESS
Richard Lusick	521 S. Church
Chad Wally	
Liddieban Dunksom	617 S. De Rosa - Fox
Donie Beshers	1327 South Duncan - Fox
Paul D. Hunter	317 Estherville Rd.
Chadler Thompson	741 Adams side apt 10th
Shirley Duncan	6613 Hwy 16 East
Mea Stron	1840 N. Leverett C-7
Stan Wilson	385 S. Hawley Farmington
Danice Kelly	509 E. 15th Fayetteville Ark
Kathleen Daniel	156 Cassard Hwy Ark
Paul Carls R. Smith	20350 Duncan-McCord Rd Eldon
Luella Smith	1939 Hart and Lane Hwy Ark
Paul Moore - Chapman	42401 S. Lewis Hwy 72701
Bruce W. Allen	210 Samuel Place Farmington 72700
Tim Cooper	1204 N. Heritage Ave Fayetteville AR 72704
Carol M. Allen	2405 N. W. 11th Fayetteville AR 72703
Shirley W. Allen	300 S. Washington 72701
William H. Allen	213 Goshen Ave Fayetteville 72703
Julia McCord	411 E. Center Hwy Ark 72701

Petition to SAY NO to the BAN ON SMOKING IN WORK PLACES

NAME	ADDRESS
Larry Hays	888 McCassey St Fayetteville, AR 72703
Beverly Williams	22229 Woods Rd. Winslow, AR 72795
Angela Creatham	15550 Wildcat Creek Rd. Springdale, AR 72762
Steve Miller	1309 South Washington Ave Fayetteville, AR 72701
Dixie J. Johnson	1336 Aspen Circle, Eureka, AR 72727
Dorothy Harris	1552 West Fork Ave 72714
James G. Johnson	32 University Way Fayetteville, AR 72701
Charles Johnson	17 Elmwood Blvd Fayetteville, AR 72704
L. Lee	17 Elmwood West Fort 72714
T. Howard	2251 Mission West Fort 72703
D. Davis	1400 E 15th West Fort 72701
Kim Fader	4348 W. Thrasher Dr. Fayetteville
Dora McCoy	12735 Patton Rd. West Fort AR
Robert Turner	P.O. Box 981 Fayetteville, AR
Stephen Seaville	2723 N. Sierra Fayetteville, AR
Lenny Carter	12422 West Hwy 16 Box #7 Jay, AR 72703
Eugene Huff	1260 Maple Lane Elkins AR 72727
Willie Hawkins	19455 Tuttle Rd. Elk AR 72727
Bill Gault	645 W. Dutson St Fayetteville, AR
Dora Rogers	10498 Ellwood Chapel Rd. Fayetteville, AR

Petition to Say NO to the BAO on Monday morning Clubs

NAME	ADDRESS
Robbie Lintichuk	401 W 2nd St Apt 52
Don Varnickel	1199 Campbell St. Suite
Glenn Lockhart	
Hatsuo Hozier	P.O. Box 4456 Fair
Paul S. Rogers	800 Sunset Hill Dr. Los Angeles 90024
Max Avery	500
Brad Jennings	1323 S Dulcen
Patricia Deegan	301 S West Ave. Fayetteville, Ar.
John J. J. J.	1379 Hendrix Dr. Ar.
James O. O. O.	1212 Dunn Way Ar. 72201 Ar.
Norm Richardson	304 East Mountain
Paul Hill	
Norm R. R. R.	
Josh Keck	
Lee	
Barrell R. R.	
Paul Houshka	1091 Southwestern for Arkansas
Jack Turner	10. S. White Ave. Fayetteville 72701
Ray Stephens	224 White St Fayetteville 72701
Rich R. R.	2220 Appleway Fayetteville 72701

NAME	ADDRESS
David E. Barnes	PO BOX 3643 Fayette AR 72702
Wendy Baker	2808 E. Goodenlong Dr. #2 Fayette AR 72703
Don Hefner	104 Florence Fayetteville AR 72703
Harold Hefner	Alta AR 72703
Robert J. McCallister	1415 S. School - Fayetteville AR 72701
Forrest Dyer	116 Madison 6007 Elkins, AR. 72707
Corey Dyer	411 W. Wilson St Fayetteville AR 72701
Shirley Morrison	PO Box 5 West Fayette, AR. 72724
Charles Maddy	18781 South St. Light Int. Canhill AR 72717
James A. Ryan	14113 Low Gap Rd West Fork AR 72774
Frank Hefner	724 S. Church - Fayetteville AR 72701
Ben Hefner	Lincoln AR 72701 - 25.21
Norman H. Rogers	1222 S. School Sec 2-8897
Diana Spalding	13812 E. Goodenlong Ave 500 Chad
Larry Smith	16794 S. Ark Hwy 59 Lincoln, AR 72744
Miranda Brown	1327 S. Duncan #47 Fayette AR 72701
Gary Seib	820 S. College Ave #4 Fayette AR 72701
John Smith	310 Dotwood Fayette AR
Andrew Cunningham	309 S. School St. Fayette AR 72701
Ray Dyer	1408 S. College Fayette AR

Petition to Day IVU to the RNR in connection with 9 Clubs

NAME	ADDRESS
Samuel McAllister	13210 Illinois Chapel Rd Prairie Grove IL 72753
John Duff	1318 S. West Ave Fay 72701
James F. Connolly	14586 Kyle Centay Rd Uniontown
D. F. Hirsch	PO Box 221 Uniontown IL 72959
Ray Foulke	3480 Huntsville Rd. Springfield Fay. Ark. 72701
Jennifer Finnegan	715 S. Church
Georgina Archers	715 S. Church
June M. Bell	17838 St. Georges Rd. Fay. Ark.
David J. Bell	" " " "
Raymond	511 S. Wood Av Fayetteville 72701
Robert Williams	10030 Old Cam Rd Uniontown Ark
Don	10030-13962 Wulin MT West Fort R
Conor Corda	2429 Yonne Dr.
Willy Alford	2241 Dard Horse Mr Rd Fayetteville
Colt	2479 Yonne Dr
Gene Warts	
John Bell	
James H. Graham	401 N. 24th Street #11 Fayetteville AR 72701
Steve Alexander	11584 Jordan Rd. Prairie Grove AR 72753
Alvin J. Martin	615 Lester St. Fay. Ark. 72701

Petition to JAIL IN U to the KKK in connection 9 Clubs

NAME	ADDRESS
Wesley Jones	9305 College Ave
W. S. O'Farrell	RF-2
Wesley Jones	
Bobby Daniels	
Edith M. Smith	1122 Madison 7640 W. Blvd. 72738
Donald R. Shaver	1074 S. Washington Hwy. AR 72701
George E. Egan	640 Berry Dr
Ruby L. Hammett	8504 SASSHERAS FAY AR 72703
Donald M. Chapman	307 S. Black #9 Fayetteville AR 72701
Wesley Jones	345 Building A. - Fayetteville, AR
Wesley Jones	234 Caulson Fay. AR.
Wesley Jones	17658 Rethelton Rd. residence AR. 72959
Wesley Jones	5639 E. Hustonville Rd. Fay. AR 72701
Wesley Jones	1280 Bellvue Fay. AR 72701
Wesley Jones	13056 N. Brinkley Prairie Grove 72753
Wesley Jones	1265 Mill DEAR Farmington
Wesley Jones	P.O. Box 9393 Fayetteville 72703
Deborah Hill	1168 W. Cato S. O. S. Rd. #6 Fayetteville Ark. 72701
J. F. R. R.	283 F. 12th Fayetteville AR 72701
Wesley Jones	890 S. Washington Ave. 72701

Petition to SAY NO to the BAN ON SMOKING IN CHURCHES

NAME	ADDRESS
Andy Beane	11349 Long - takerd EL-15103
Thom McConnell	2109 Hoveysuckle Ln Fayetteville
Tim Goldthrey	2 EATSWIDGE LN. BETHEL MS 39158
Thomas Chandel	6887 W. Whittier Rd. Fog. Ark 72704
Eric Stephens	2979 Double Springs Rd Fog Ark 72704
Patricia Cobch	937 Betty Dr Fog ar 72701
Ruthie Short	163 Avo ST Bld West Fork Ark 72774
Cheryl Plunkell	106 W 5th St Fay Ark 72701
Richard Short	163 Avo ST West Fork Ark 72774
Sheldon Carter	1874 Friendship Church Rd West Fork AR 72774
Eric Bonner	2102 Cateroad Fayetteville 72707
Eric Maltre	4385 Bluebird Fayetteville AR 72704
James Starks	701 W. 15th St Fayetteville AR 72701
John Maltre	
Eric Maltre	
Maureen Beane	1120 W. Cato
Maureen Beane	1120 W. Cato
Maureen Beane	1340 S. Dunn Fay 72701
Maureen Beane	P.O. Box 518 Elkins AR 72727

Petition to SAJ NO to the BAW ON SMOCKING IN DHR'S 11/11/85

NAME	ADDRESS
Theresa Johnson	1327 S. DUNCAN #44 Fayetteville, AR 72701
Theresa Johnson	1800 ARROWHEAD RD Fayetteville, AR 72701
Samy Antunes	1727 N. STACY Fayetteville
Altha McMillan	1868 Cato Springs R. F. V. 72702
Bob Mideon	2225 Aikens Dr. Steg 72701
Reeg Meek	234 O'Leary Way, Fayetteville
Angela Delia	1189 Wood Fayetteville
James R. Mandy	14424 Balth Rd
Donna Bantley	3029 Dorothy Jeanne #12
Jefferson Shilps	PO Box #8 Winfield AR 72764
Robert Crunk	10388 N Hwy 505
Robert Crunk	335 S. Duane Fayetteville, AR 72701
William Peterson	304 S School Ave Fayetteville 72701
Shack Shelby Clark	1142 W. Cato Springs 72701
Shack Shelby Clark	2152 River Fayetteville 72701
Charles Green	1849 Overcast Fayetteville 72703
Jameson Jones	PO Box 320 ntwg AR 72706
Jim Phillips	433 Governor Fayetteville, AR 72701
Earl J. Haggard	175 S Hill Ave Fayetteville, AR 72701
Pamela Haggard	1149 S. West Ave Fayetteville, AR 72701

Petition to **SAN MD** to the BAA ON SMOCKING IN DRUGS IN ST
 9 C11185

NAME	ADDRESS
Shane Cur	PO box 104 Grenada AL 36727
US State Coll	1314 Madison 7105 Fayetteville, AR 72703
Wesley's	287 12th St. 72201 Fayetteville AR
Mr. E. L. L.	833 MEINER LE AL. AL
James Mc	P.O. Box 104 Center on 72721
James B. Bellamy	243 BAXTER LN. + FAYETTEVILLE, AR.
Conor Connelly	412. Shallow Stagnationville AL
Isabel	2428 W. Sycamore Fayetteville AR
Alfred White	2126 N. Chestnut St. Fayetteville AR
Alfred	955 E. PROSPER ST. FAY
John Connelly	1320 S. College Ave Fayetteville
John Connelly	2095 S School Fayetteville
John Connelly	1419 N. Wagon Ave Fayetteville AR
John Connelly	101 S. Stagnationville AL
John Connelly	1341 Fairlane, Fay AR
John Connelly	932 S. Curtis
John Connelly	3141 N
John Connelly	1348 Cooper Hall Rd. Winslow, AR.
Mark E. Lee	10489 Howard Rd. Fay. Ar. 72701

Petition to Say NO to the BAN ON SMOKING IN OURS' REST
9 CHURCH

NAME	ADDRESS
S. R.	800 W. 11th St. Fay AR. 72701
S. R.	166 Appleton Hwy Ark 72704
S. R.	16249 Daring Ave
D. White	675 W. Dickson 72701
B. L. J. J.	15021 Mathews Rd Elkins 72727
Carol Allen	P.O. Box 85 Springdale Ark. 72730
Huntford	121 Poplar Fay 72701
M. L. J.	814 S. Washington
B. L. J.	401 W 24th Fay
M. L. J.	1230 Dun Ave
J. L. J.	10876 Rock Creek Rd Ark, Ar 72701
J. L. J.	1304 Maple 72701
J. L. J.	#1008 in school Fayetteville, AR
J. L. J.	1335 S. School Fay - AR
J. L. J.	P.O. Box 3712 Fay, AR
J. L. J.	PO BOX 554 Elkin, AR
J. L. J.	P.O. Box 17 Maabon Ar 72735
J. L. J.	P.O. Box 17 Cosmich Ar 72743
J. L. J.	731 W Anderson R. H. S 72701
J. L. J.	1401 S. West Ave Fay, Ar 72701

NAME	ADDRESS
Dink Page	3410 w. w. rd. Tnigan
Roxie Whittembury	3014 North Street Euy
Garry Weaver	502 N. Washington #3
Judith A. Pence	Fayetteville
Lucy Brown	6745 11th Apt
Luffy Ann	2353 Weir Rd. Fayetteville 72703
Gabe Allen	18 Tenthon Apt 5 Fayetteville Ark
Mull Rafter	354 W. West
Len Closs	502 N. Washington #3
Bobby Leckline	716 So College
Mick S. S. (Sills)	1242 Plum Tree Dr. Fayetteville
Don Sanders	16000 Persimmon Tree Jay
Claire Charest	PO Box 321 Greenland Ark 72737
Raymond Offord	540 8th Ave Fayetteville Ark 72701
Johnny M. Foster	786 Sherman Fayetteville Ark 72701
Scott Greenfield	160 Summit " 72701
Lester Good	1325 West Ave 72701
Gale Bruffell	210 So. School Apt 5
Ralph B. X. X.	13005 S. Zion B. Lowell, Ark. 72745
Angela Brecken	1631 Putman Street Glendale #21

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Jennifer Conkern	132 E 15 th Fayetteville 72701
Sindy Bowen	14017 Mineral Springs Rd. Spring Ark. 72774
Donald Samplowski	2002 W Maine St Fayetteville 72701
Bell & Matney	926 Kelly St Fayetteville Ark 72703
Reed & Heston	405 Prospect FH. VtR 72703
Rodney Dora	15 E Davidson Hs Fayetteville 72703
Lance P. Marks	405 Prospect Fay Ar 72703
Milo McKenzie	10 Northwood West Fork 72774
Sam Bow	14727 Mineral Springs West Fork 72774
Nicki Jones	1511 Huntsville Blvd Fay 72701 Ark
Eric Jones	1511 Huntsville Rd Fay Ark 72701
Ray Bowen	314 Huntsville. Ark 72740
Phil Bozler	211 N Thompson Fay Ark 72701
Kenneth D. Fournier	2330 Gooseberry Lane Fay Ark 72704

NAME	ADDRESS
James & Rocky Lester	36 S. Palmer, Fay,
Brooks Piza	354 N. Oliver, Fay,
Mary Smith	1548 TERRY DR.
James Roe	125 Westwood Lane - Fay, Ar
Walter Knicker	233 S. CORNELL AVE - Fay,
Joe Kr	30 Greenwood St
Tom Boyd	30 Greenwood Dr
Paul Barrett	1367 Oaklads Bad tr Fay
Frank Overa	466 West Dillard Ave
John Slingfield	889 Pump STATION RD Fay AR
Gene Lewis	325. South School Hwy NE 72701.
Est. of the church	397 Osmond Lane Fay AR
Don Lamar	#8 Marleem Hill Fay 72701
Quendy Keeney	P.O. Box 1625 Fay AR 72702
Robert Price	1272 N. 59th Ave Fay AR 72704
Victor McCanna	Alvillsa - St Fay AR
David Tavis	15 N. Locust Hwy Fay AR 72701
Max Bryant	
Don Wallace	879 S. Hill Fay, AR
Shane R	602 W. TAYLOR AVE. 4 Fay. AR 72701

NAME	ADDRESS
Howard R. Usher	166 Cedar Hwy. 72703
Bill Waldean	810 N. Walnut Hwy. Ar.
Darlene Louck	1220 N. Garland Hwy. 72203
Vanessa Smith	871 West Cedar Street Apt 212, Ark. 72203
Black Hough	1016 Hickory St. Fay AR 72203
Charles DeLongue	879 LORENA
Joe H. H. H. H.	325 S. Se Hwy Fay AR
Eugene B. H. H. H.	922 Huchess St. Fayetteville 72701
Bernie Smith	310 DOGWOOD City AR
Erson Rose	2168 Fletcher Ave Fayetteville AR 72701
Lesly Smith	1114 S. Duncan Fayetteville Ar 72701
Diana Smith	1114 S. Duncan Fayetteville Ar 72701
Michael Mallin	21 Worcester Ballistics Dr 72714
M. J. H. H.	P.O. BOX 3395 Hwy AR. 72702
Jerome Heminger	733 Paris Ar Hwy, AR
Julie Delt	1949 S. MAIN Cape Springs, Ar 72718
James Pettit	1423 MCKINDBIRD LANE
Debi Wright	2556 rd. Canfield RD #1B
Clayton Brumhardt	341 S. Palmer
Kellie H. H. H.	24 S. H. H. H.

NAME	ADDRESS
KEVIN WRIGHT	202 S School St.
TRAVIS SNOWDEN	16 SYCAMORE ST.
Habib Ghanim	2976 Whipoorwill Lane Fayetteville, AR
White Chapman	632 W. H. Thompson Ave. Fayette.
Juan Lopez	1221 W. 4th Benton
NATHANIEL B. BAZINET	800 N Lovett Apt 507 Fayette AR
FA S D WEAVER	
Spencer Bassett	Hotel Storer Fayetteville
Wesley Morris	Hotel Storer Fayetteville
Clark F. Morris	2205 Camp Rd Gentry Ar 72034
Louise Lybier	1808 S. CUSTER La. Fayette, AR. 72701
Dan Head	2605 Villa # Fayetteville AR 72703
Cathy Murray	P.O. Box 1348 Springdale AR
B. R. Ramey	330 Melrose Terrace Fayetteville 72604
Johnny Gonzalez - Manuel	258 S. Locust Fayetteville, AR 72701
Sam Thompson	2407 N. Lovett Fayetteville, AR 72701
Donna M. Smith	20617 Tinson Ave. Prairie Grove AR 72753
Arthur Smith	1911 Rolling Hills
Isabel Stewart	807 W. 6th St. Fayette AR
	1753 Shamblin Ave Apt A, Fayette, AR 72701

Petition to SAJ NO to the BAN ON SMOKING in DRUGS DETENT

[illegible]

Petition to SAY NO to the BAN ON SMOKING IN DARKS ⁹ CLUBS

NAME	ADDRESS
David Tuffs	905 LARE SEAGORAH FAY
Her Locke	15017 Watsford West Port.
Greg West	880 Lorena LN Fay AR
Shawn Stoll	1926 N Gregg Fay Ark
Donald E. Stoll	" " " "
Marv Johnson	12386 Waddington Fay
Barclay Goodwin	12386 Waddington Fay
David Goodwin	Hi 412 E
James Shepard	617 Government Rd 1A
Steve West	6011 Westwood
Mark Helten	295T Jervis Fay
Concepcion Robles	1218 Spen Cir Skrup
Bill Howard	213 - Happy Hollow Rd
Norman Osburn	213 - Happy Hollow Rd
E. Paul Lackey	1142 Highway 249 Cap D Ark
Paul Buchanan	P.O. Box 1507 E. W. Ark
Paul W. Johnson	10911 S Brooks
James W. Fay	212
William M. Ray	1212 S. Dunn St. #79 Fay AR
	117 East Virginia Brown

Petition to SAJ NO to the BAR on Smoking in DR's Office

NAME	ADDRESS
Barbara Jackson	2054 N. GALLAHAD 12 Fido AR 72703
Helena Blanton	1235 S. Duncan Fay, Ark
Gene Lewis	1735 S. Huntville RD Fayetteville
Danice Smith	1613 N. Garland, Fay. AR. 72703
Grandin Stanc	2333 Juncus, Fay, AR 72701
John Tinner	503 N. Bennett Apt 2 72701
Johnny Lee	935 W. Walker At Fay, AR 72701
Cliff Walker	3480 E. Alameda Fayetteville 72701
Cliff Walker	
Tim Soshka	3516 Northwood Ave Fayetteville, 72704
Angie Tuck	1212 S. Dunnette Fay. AR 72701
Ally Thompson	2615 S. 1st Springs Fay AR
Paula Davis	1045 S. 2nd 265 Fay. AR.
Michael	1418 S. School
Ally Thompson	
James M. Barnting	12130 2nd St. Rd. Farmington AR
James Davis	P.O. Box 267 Farmington AR
Ally Thompson	11796 Wilshire Rd. West Fayette AR 72741
Ally Thompson	13596 West Fork

Petition to SAJ NO to the BAN ON SMOKING IN DARKS REST
9 CHURCH

NAME	ADDRESS
Margaret A. Bryant	1132 W. Cato Sp Rd Fayette
Leah Bryant	217 S Block Fayetteville
Leah Bryant	1907 S. School AR Fayette
Rodall Cohen	18153 S. Hwy 170 Westfort
Ernest A. Green	11488 Jewel Rd. ELKINS AR
Mark Suber	1934 Helen Fay. AR 72701
Steve Richardson	70 N. East, Fay AR 72701
David Green	1809 W. Stone St Fay AR 72701
Mabel Huffman	
Carol Collins	1144 Dunns Fay Ar. 72701
Robert Wilson	1910 S. School
John Morrow	14650 Trace Branch Rd W. Fork 72774
Julie King	11778 ELKridge, Wesley, AR 72773
James Tucker	126 S. Coast Ave #1 Fayetteville, 72701
Donny A. Kelly	474 S. Kerner Ave Fayetteville 72701
Shirley K. K. K. K.	87 Elmwood West Fork, AR
David David	725 S. Hill
David David	706 Anna Apt
Donna A. K. K.	462 Lake Sequoyah Dr
David David	1012 Oak St

Petition to Say NO to the BAA ON SMOKING IN DRUGS STORES

NAME	ADDRESS
Roger Dickey	1401 S. West Ave Fay, Ar 72701
Alvin Taylor	215 East Watson Fay Ark. 72701
Tamara Fox	16127 paved lane Fayette 72704
Finley Thomas	846 Loren Ln, Fay Ar 72701
Donald Blackman	31 East S
June Adams	21104 W. Henslow #4 Jay, Mo 72701
Robert, Correll	11020 Toney Mt. Rd. Fayetteville, AR 72701
Susana Robuskey	1306 W Mt. Comfort, Fayetteville 72703
Walter DeLoe	1215 2100 Rd.
Robert DeLoe	18287 Alpine Rd. West Fork 72724
Robert DeLoe	
Walter DeLoe	3219 N. Warwick Dr. Fay 72703
Chris Stearns	539 W. Wilson Fayetteville
Judy Woads	815 B Webster Rd Howell, Ar 72706
John Nelson	508 S Eastern Ave Fay 72701
Bryonie Fontenot	13668 Beef Farm Rd Fay 72704
Sam Miller	214 Happy Hollow Rd. Fayetteville Ark. 72701
Mike DeLoe	11359 Campbell Com. Bld. Rd. West Fork.
Ann Mary Fox	3494 Dunsmore Tr Fayette,
Mike Meeks	15032 Farr

Petition to SAY NO to the BAN ON SMOKING IN DRUGS STORES

NAME	ADDRESS
Tammy Beach	401 24th St Fayetteville AR 72701
David Beach	401 24th St Fayetteville AR 72701
Charles Clark	420 Madison St Rogers AR 72756
Tracie Reno	2146 N. Chestnut Ave Fayetteville AR 72703
Pete Dantz	2319 E. 6th St Fayetteville
Dawn Jordan	1039 S. Skaper Howard Fayetteville
Bruce Lawrence	1096 N. State St Fayetteville
Donna Pugh	718 S. Locust Ave Fayetteville
David Pugh	1163 Chestnut St Fayetteville AR
Jason Collins	16547 Roney Road Winslow AR
David Pugh	311 N. Wilson St Fayetteville
Scott Wood	7773 W. Willis St Fayetteville AR 72701
Shirley Perkins	14100 W. 4th St Fayetteville
Patricia Mahone	1327 S. Duncan St Fayetteville
Sharon Jones	301 East Apple Rd Fayetteville AR 72703
William Clayton	401 Waller St Fayetteville AR 72704
Jimmy Gabel	401 Waller St Fayetteville AR 72704
Robert Smith	196415 Hildesheim Rd Fayetteville AR 72703
Jimmy Pugh	11174 E. 1st St Fayetteville AR

Petition to Say NO to the BAD ON SMOCKING IN OURS' CIGARETTES

NAME	ADDRESS
Donna J. J. J. J.	324 Village Lake Dr. Forestville N.Y. 12723
Charles J. J. J.	1149 McCaughey St. Troy 12101
Lucas J. J. J.	233215 Hummel Rd.
Judas J. J. J.	23375 Hummel Rd.
Gene J. J. J.	23375 Hummel Rd.
Anna J. J. J.	401 W. 24th St. Fayetteville 12721
Neil Johnson	10877 N. Hwy 120 Prairie Grove 12753
John J. J.	311 N. Summit
Wend J. J.	2417 Robin St
John J. J.	3244 Jewell Dr.
Edna J. J.	879 Bellview Ave. Fayetteville AR
Robert J. J.	P.O. Box 1331 W. Kon Rd.
John J. J.	36 Watson Ln. Fayetteville, Ark 12730
John J. J.	20231 Farm Rd. Springfield 12764
John J. J.	3567 N. Sale Rd. Fayetteville 12724
John J. J.	12641 Oaks Rd. Fayetteville 12723
John J. J.	132 E. 15th Fayetteville 12701
John J. J.	132 E. 15th Fayetteville 12701
John J. J.	132 E. 15th Fayetteville 12701
John J. J.	132 E. 15th Fayetteville 12701

Petition to SAY NO to the BAN ON SMOKING IN DRUGS STORES

NAME	ADDRESS
Bobby Hunt	1469 N. SWEETHOME FAIR ARK
Born Hunt	1469 N. SWEETHOME FAIR ARK
Joan Hunt	2501 TRODI PL. Springfield
Thomas Hunt	2210 meadow lake Dr
Larry Hunt	2710 meadow lake Dr
Edward Hunt	1769 N. Levee #72 Fay Ar.
Tina Hunt	1769 N. Levee # Fay Ar
Scotty Spurgeon	415 South Church Ave Fayetteville
Ronnie Miller	4050 S. McCollins, Fayetteville
Maile Hadley	880 Lorena Pl, Fayetteville
Kenneth Hadley	880 Lorena Pl, Fayetteville
Kenneth Hadley	1313 Stokely Ave Fayetteville
Alicia Stromille	554 Buchanan Fayetteville
W. G. B. B. B. B.	554 Buchanan Fayetteville
Donna Hunt	6667 Thimble Lane Fay
Charles E. Smith	
Marion J. Crane	25086 Hwy 16 Hot Springs, Ar. 72752
Albie 76887	412 8th Ave Fayetteville
Danna Condon	2089 396 West Fork Ar

Petition to SAJ NO to the BAN ON SMOKING IN DRUGS CLUBS

NAME	ADDRESS
Lincoln Hayes	4391 Chaparral LN Fayetteville AR
Ronald Chapman	22307 North Rd Summers AR 72207
Robert Chapman	
Lyndy Johnson	1101 N. Pleasant
Thomas Ball	420 Skelton Fayetteville Ark. 72701
Lee Hartman	19089 Hidden Valley (Duster) 72959
Charles Meese	P.O. Box 99 Prairie Grove AR 72753
Angela Turner	PO BOX 156 Greenland Ark. 72735
Robert Telford	1212 S. Dunn Fayetteville 72701
Sharon Shepley	22 E. 5th Fayetteville 72701
ROSEMARY GRIFFIN	4114 KE SEQUOIA DR Fayetteville AR 72701
William J. Allen	218 Meander Creek Dr 72727
John Smith	3480 E. Huntville #31 Fayetteville 72701
John Lee	17016 Cedar Segway Fayetteville Ar 72701
John F. Foy	18038 Spicewood Dr Fayetteville AR 72703
James K. Sullivan	12469 Kenneth Price, Elm Springs
Jessica Reed Quince Reed	21743 Mt. Olive AR 72727
Thomas Reed	400 W. Appleby Rd #41 Fayetteville, AR 72703
Robert C. Smith	2145 Lonsdale Rd Fayetteville AR 72703
James P. Johnson	880 Cherokee Lane Fayetteville AR 72701

NAME	ADDRESS
John S. Bernard	P.O. Box 232 West Fork, Ar. 72774
Bill McLeod	P.O. Box 13120 East Fork, AR,
Ray Monroe	P.O. Box 413 Johnson, AR
Robert F. Funder	PO Box 436, Elkhart, AR. 72727
Stephen D. Harris	10400 Buchanan, Fayetteville, AR
Robert F. Funder	PO Box 436, Elkhart, AR. 72727
Cam Munford	569 Harper, Hollows Rd Fayetteville
Dylan Furzaker	306 University St Apt 1
Deborah A. Galloway	1314 S School Fayette AR 72701
David Bolin	508 W Prospect St. Fay. AR
James F. Ford	229 W. Cleburn
Robert F. Funder	418 W. Meadow St Fayetteville 72701
Eugene Funder	169 Killdeer Farmington AR 72730
Chris Miller	298 So. Main Ave Fay AR 72701
Mike MacHopper	W. Marine St
Smoking Smith	THE WOODS
Feethus Smith	857 W. Watson Ave Fay. AR 72701
Arthur Higgins	251 W. Watson St. Fay. AR 72701
George Alford	4404 North College Fay. AR 72701
Robert White	212 S. Block Fay AR 72701

Petition to SAJ NO to the BAA ON SMOCKING IN DAK'S STREET
9 CLUBS

NAME	ADDRESS
Donna Regan	3242 Wagon Rd. Fay
James D. H. H.	P.O. Box 774. Farmington Ar
James D. H. H.	1899 Alameda Fayetteville Ar. 72704
James D. H. H.	931 Baldwin Ave.
Paul A. Brown	158 Camellia Ln Fayetteville Ar
Robert Regan	13828 P.O. Box 1625 Fay Ar.
Shirley D. H. H.	P.O. Box 1625 Fayetteville
Bill Moore	1149 Montgomery Dr. Jay Ar.
Donald D. H. H.	11993 Ranchwood P.C. ARK
Donna D. H. H.	141083 Buchanan Jay Ar
James D. H. H.	141083 Buchanan Jay Ar
James D. H. H.	2605 Villa Blvd 302 Fay Ar
James D. H. H.	16185 Osborne Rd Wilson Ar 72739
James D. H. H.	1432 VanBuren Ave Fayetteville AR 72701
James D. H. H.	10 S. Willow 220 Fayetteville Ar
James D. H. H.	2095 S. Johnson Meadows S. Fayette Ar.
James D. H. H.	2042 Whigam Wheel Rd. Fayetteville
James D. H. H.	1500 J. College Fay Ar 72701
James D. H. H.	#1 N. College Apt 210 Jay Ar

Petition to SAY NO to the BAN ON SMOKING IN DMV'S REST
9 CHURCH

NAME	ADDRESS
Mamie Lamell	10907 Friendly Rd Fayetteville AR 72701
Megan Thompson	340 E 1st St Fayetteville AR
Flora Thompson	14686 Wc 300 Fay. Ar. 72701
Bernice Thompson	#1 S. School #420 Fayetteville AR 72701
Glenn Johnson	1523 Roberts Rd Fay 72701
Don Campbell	3355 CATO SPRINGS Fay 72701
Shirley Leibel	401 W 24th St. #109 Fayetteville AR 72701
Anna LeQuinn	305 W. 22nd St. Fay. Ar. 72701
Donna Dushar	753 W 6th Ave, AR 72701
Paul Smith	14302 Hummingbird Rd Fayetteville AR 72701
Henry Thompson	1650 Hummingbird Rd Fayetteville AR
Becky Spahr	731 W. Anderson Pl. #2 Fayetteville AR 72701
Becky Spahr	1650 Hummingbird Rd Fayetteville AR
Brandi Bernese	1920 E Lee Ave Fayetteville AR
Jason Sparks	1430 W. Cato Springs Rd Fayetteville AR 72701
Sharon Gubert	18096 Lake Sequoyan Rd. Fayetteville AR 72701
Amanda Jennings	1101 S. Cantishire Fayetteville AR 72701
Mark Spahr	405 So College Way Fayetteville AR 72701
Bonnie Spahr	1901 W. Hwy 400 R. #117 Springdale, AR 72761

Petition to **SAVING** to the BAW ON SMOCKING IN DAKOTA
 9 CHURCH

NAME	ADDRESS
WILLIAM MCKENZIE	2440 VANCEY DR. FAY
KAREN DAILE	414 S. College Ave. FAY
JAMES MURKINSON	414 S. College Avenue FAY
WILLIAM L. LEE	FARMINGTON
WILLIAM L. LEE	595 Mary St. FAY
WILLIAM L. LEE	11019 Stephens FAY
WILLIAM L. LEE	16501 Lewis St. FAY
WILLIAM L. LEE	574 Madison 414 S. FAY
WILLIAM L. LEE	2211 Locust. 72701
WILLIAM L. LEE	13647 Dogwood FAY AR
WILLIAM L. LEE	317 E. 24th St. FAY AR
WILLIAM L. LEE	925 Lorena Lane Fayetteville, AR
WILLIAM L. LEE	West Fork
WILLIAM L. LEE	295 E. 15th Fayetteville, AR
WILLIAM L. LEE	Huntsville AR
WILLIAM L. LEE	Winston AR
WILLIAM L. LEE	15084 Waverly Rd. FAY
WILLIAM L. LEE	125 S. 110th Ave. 1104
WILLIAM L. LEE	946 Lakeside Dr. 72701
WILLIAM L. LEE	1327 S. Duncan #25

Continued on BACK

Estelle Ricklin 315 S. Block Ave #1515

Angela Freeman 324 E 12th St Fay.

Jimmy Apperson 410 N Muck & Prairie Grove AR
731 - S. Anders

Wendy

Forrestville AR

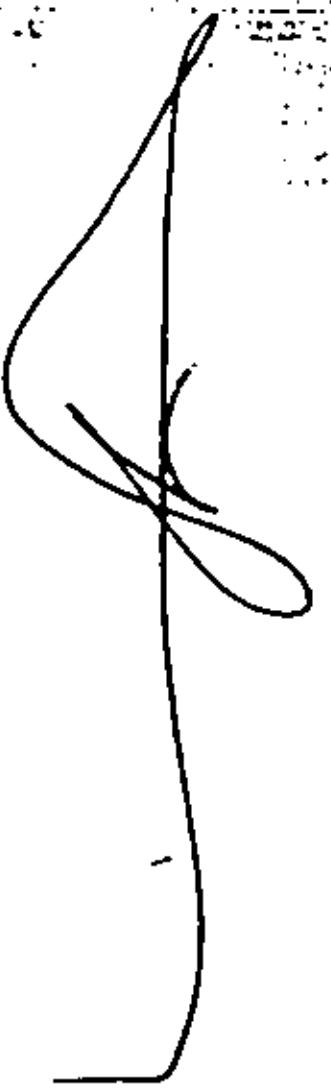
Spencer C. Ft

1501 Mission Fay. AR

D. C. R.

NAME	ADDRESS
Billy Grubbs	2535 Hatfield St. Fayette 72701
Bernna Goodland	1753 Shanklin Ave Apt A Fayette 700
Fred W. Korte	1814 7th St Fayette 72201
Jennifer Smith	898 W. LAUSAN
Joseph West	219 Channel Hwy. Dan 72201
Thomas W. Ricketts	338 W. Caldwell Fayette 72701
Jale Callar	PO Box 321 West Fork AR 72774
Murray McCune	RR Box 4126 Fayette 72703
Alicia O. Kohnen	2575 W. 10th St Fayette 72201
Wayne Spencer	140022 Louisville KY Fayette 70207
Doris Self	1705 Applebury Pl. Fayetteville AR 72701
Shirley Rossin	108 W. 5th Ave. Fayetteville 72701
Allison Buxton	123 FATE ST, Fayette, AR 72701
Charles Richards	OPEN ROAD
Alvinna Roper	2571 S. Monmouth Fayette AR
Rebecca Wilmer	3211 Silver Bell Green
Bradley Howard Allen	3211 Silver Bell Green
Dale Lester	8211 Silver Bell Green oops
Dorothy Lane	3150 Old Vine Rd Fayette AR.
Gary Parker	345 Davis West Fork AR 72774

NAME	ADDRESS
James Post Howell Post	707 Tapa St Howell AR
Chuck Lake	707 Tapa St Lowell AR
Gordon Dancy	13149 Burroughs Rd, Winkler 72759
W. Dancy	RT 1 Winkler AR 72757
Cathy Burson	Walnut Ridge AR 72756
Mike Muck	P.G. Ave 72753
Erny Martin	West Ark
James Long	Mott Ark
Josh Fry	15541 White Oak Rd 72703
Phillip Morris	N. Carolina
Jodi Pete	M. Quat Sepulveda
Alex Stepek	200 Parky 10th hollywood
Cora Thompson	Mabel's Wallace's place
Tracie Reno	Fayetteville
Eric Henley	1220 W Cleveland C-6 Fayetteville AR 72701
Xuelyn Bulmer	2860 West 11th Rd, Jay
Vernon Quinn	1 School Ave #1603 Fayetteville AR 72701
Jacobish L. Crosier	1614 S. Housheer
Saeatt H. Lowe	215 W. Winkler Hwy AR 72701




PETITION TO DAY 14 - to the KNU community in 9 Cities

NAME	ADDRESS
Mr. Deenings	13736 Kelly Rd. Springdale AR. 72764
Clifford Ward	16056 Peach Cir. Fayetteville, AR 72704
Donna Chavard	307 S. EAST AVE. Fay. AR 72701
Bozie Dunn	307. S. EAST AVE, Fay AR 72701
Ann Johnson	3050 S. Schuyl Ferry Ar 72701
Anthony L Ryan	Grandview Apt 24 street Apt # 108
Walter Long - Gotten	11431 Long-Tate Rd. Elkins, Ar 72722
Lee J. Shandy	2738 E. Holmes Dr. Fayetteville, AR. 72701
Charles W. Allen	10510 Maple Island Hwy. Ark.
James Burdette	2790 EAST HENDSHIRE ROAD Fay AR
James Le Good	2499 N. Cantan St. Fay. Ar.
John Thompson	322 Greens Cove Laurel AR
Michael Knight	322 Greensdale Laurel AR
Joseph D. Adellie	1212 Denny Fwy. AR
James Graham	4345 Wyman Rd. Fay, AR 72701
Greg Staci Mann	5887 Wyman Rd. Fay, AR 72701
Martha K. Litch	PO Box 824 E. East Fork Ar. 72724
Glenn Phillips	631 East McClinton St Fay AR 72701
Jeff Rust	3650 Wilson Hwy. Fay. 72701
Wesley Moore	313 Ostrich

Petition to Say NO to the BAN ON SMOCKING in Dining Chairs

NAME	ADDRESS
Joan Morgan	
Red Buchanan	330 W. 22 nd St / Fay AR 72701
Ann Byrd	1285 Billingsley - Prairie Grove
Joe A. B.	* 34 Shandosh TP
Robert Phin	308 Shadowlides Dr. Fay AR 72701
James Salt	2017 W. Lawson Fay AR 72701
Rich Hefner	11822 1st Elm Rd Fayette AR 72730
Julia D. Johnson	1915 Frasier Terr Fay 72703
James D. Johnson	1915 Frasier Terr Fay 72703
Jonny McLean	12735 Patton Rd West Fort Ark
John G. McLean	P.O. Box 305 Wrens Cove AR 72795-9
Paul Williams	245 E. Robinson Springfield AR 72764
Carl W. Allen	3048 Stearns Dr. Fayetteville AR 72703
Orlando Am. Jr	2317 W. 1st St Fayetteville AR 72713
Mark Allen	102 Old Depot Rd Farmington AR 72730
Charles	14009 Highland Church Rd Fay AR 72704
James Buckley	South 15 th Street
Robt J. Pence	13709 Dim Hall Rd Prairie Grove AR 72753
Amelia J. Pence	295 Elm St. Springfield AR 72703
Philip Byrd	2595 W. 1 st St Fayetteville AR 72704

PETITION - 10 MAY 1966 - to the KNU concerning ... 9 CUBS

NAME	ADDRESS
Wes Mediner	2341 Claver Drive, Fayette AR 72701
Paul Hubbard	12114 Walnut Street AP
James Wood	2802 1/2 40th. Springfield, Ga.
George Sinterling	1212 Dunn apt #2, Fayette AR
George A. Carlsberg	1212 Dunn apt #1 Fayette AR
Arthur L. Carlsberg	1434 E. Country Way, " "
Willis J	1400 E 15th St. - #58
JOSE VELIS	
Robert Smith	
Wanda Vada	701 W. Sycamore St. Fayette 72703
Anna Jno.	2380 1/2nd Trail west of Fayette AR 72704
Doug Goshline	966 N. Honore Pl Fayetteville Ark 72704
Jersey Hollis	2875 Country Club Dr Fayetteville 72701
For: Hollis (Hollis)	2875 Country Club Fayetteville AR 72701
James Alaning	6940 Pleasant Ridge Dr Fayetteville, Ark 72704
to Anne Hubbard	1090 S. Washington Fayetteville AR. 72701
James A. Smith	745 W. Cherry St. Fayetteville, Ga.
Marion Hubbs	1000 X College, Fayetteville AR 72701
Willie Lane	323 E. 13 Pl Fayetteville AR 72701
Jeff Johnson	10877 N 170 Hwy Prairie Grove, Ark 72755

Petition to JURY to the KNU on commission 9/2/85

NAME	ADDRESS
G.S. Howell	309 N. Vaughn Rd., Fayetteville
Roy Choate	2441 Megan Fay, AR
Alice Wanda	1400 E. 15 th St. Lot # 31
Lina L. Smith	14302 Hummingbird Rd. Fay. AR. 72701
James Wallace	
Mike Shadrick	3802 Sassafras, Fay AR 72703
Kenneth Shadrick	3802 Sassafras Fay AR 72703
Chris Wadrick	1212 S. Duane Fay AR 72703
Patricia Keller	23 W. 5 th Street Fay. Ark. 72702
Mike Hanning	323 Madison 5170 Fayetteville 72740
Bobby Turner	P.O. Box 3764 Fayetteville 72702
Kyle Thomas	
David Jorgi	Parson Grove Ark
Robert Campbell	20072 Kicklawn Lincoln, 72744
Rodney Tatigais	
Ken	2605 VILLA
JIM SHERWOOD	1079 School Fay, AR 72701
Mark A. Whitmer	307 5th Block Ave #10 Fayette 72701
Richard B. Jones	Winslow
Ernie Henderson	Fayetteville AR

PETITION TO DAY 144 - TO THE COMMISSIONERS OF CHIEFS

NAME	ADDRESS
David Longley	15455 Hole Rd. Elkins Ar. 72727
Sam Brown	2247 W. Brown St AR
Sharon Conner	352-1 Birch Lane Elkins 72722
Barbara Williams	FFH
Michael Miller	401 W 24th Fayetteville 72701
Scott Stewart	401 W 24th Fayetteville 72701
Jason Henderson	1209 main st foy, AR 72703
Lee Burch	1717 A west Reap Foy AR 72703
Johnny Bellinga	1717 A west Reap Foy AR 72703
Tom Burch	265 W 5th St Foy AR 72700
Tamara Burch	913 west Wilson Street Fayetteville AR 72701
Billie Stropka	287 12th St Foy AR 72701
Cecil Marshall	6059 TRACE BRANCH WEST FORK
Tammy Burch	
Chris Burch	12845 Ruby Rd Fanning AR
Paul Meyers	554 S. Buchanan Fayetteville AR
Donna A. McMillan	16812 Hwy 74, Fayetteville
Donna Burch	390 road Dr. Elkins
Frankie Mae	1400 #32 E 15th Fayetteville, AR 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

KUJIT
14th
200

IT'S LEGAL!
KEEP IT A CHOICE!

NAME	ADDRESS
Dave Stanphill	2556 Mt Comfort #103 Fayetteville Ar 72703
Don Stein	20111 W Causeway Fayetteville AR 72703
1431 MAM	29118 Medington Fayetteville Ar 72701
Ken Hodgson	2300 Holly St Fayetteville AR 72703
George	Gay, ar
Jameson Jones	1429 W Deanna Ferry Ave 72702 Fayetteville
John Diet	107 J 6th Fayetteville
William Burt	1232 West End Ave Fayetteville
Scott Butler	1232 West End Ave Fayetteville
John Burch	2228 W. 1st Dr. Fayetteville, AR 72701
John S.	2313 Medington Dr. Fayetteville, AR 72701
John S. Jones	1223 Turner, Fayetteville, Ark 72701
David Roberts	4419 Cherokee Dr, Ark 72704

NAME	ADDRESS
Isabel & Mary Kelch	2126 N Chestnut Ave #5 Fayette 72703
Mike & Linda Stuffleben	1153 N West end Ave Apt C-14 Fayette 72703
Larry Kouba	1844 Wadlington Dr. Fayetteville, AR 72701
JoAnn Moxie	2561 W. Valley Dr. Fayetteville, AR 72703
Michelle Pickett (P.S. I Don't Smoke)	2833 W. Quail Dr. Fayetteville AR 72704
Linda Austin	20701 Hwy 71S. Winslow, AR 72959
Roger Green	2350 1/2 W. Wadlington Dr. Fayetteville, AR 72701
Ashley Stewart	1753 Shamblin Ave Apt A Fay, Ar 72701
Donna Beland	1753 Shamblin Ave Apt A Fay, Ar 72701
Alvaro Zelada	587 Caboose Lt Apt 206 Spring. Ar 72764
Tony Garcia	113 Pleasant St. Spring. Ar. 72764
Charlie Garcia	113 Pleasant St. Spring. Ar 72764
Jamie Sizemore	113 Pleasant St. Spring. Ar 72764
Hector Remiro	587 Caboose Lt. Apt. 206 Spring. Ar 72764
ANA MONICA	587 Caboose Lt. Apt 206 Spring Ar 72764
STEVE HANCOCK	1137 W. End Ave. Apt B-9 Fayetteville 72703
David Jones	4391 Wagonwheel Ln. Fayetteville 72703
Donna M. Lewis	13545 Wagonwheel Lane Fayetteville Ar 72703
Kim Bailey	2345 OPA Drive Fay 72701
Brian Hall	1650 Saddlers Rd Fayetteville 72703

NAME	ADDRESS
Rodney Witham	2349 ORA DRIVE, Fayetteville
Barbara Williams	
Caleb Wagner	950 North Lindell Apt 9 Fayetteville 72703
NIGEL YORK	1644 NORTH LINDA JO PLACE FAYETTEVILLE, AR
William Ashling	1134 N. West End St.
JAMES BARKLEY	2399 Woodark Ln. Fayetteville, AR 72704
BILL OVERBY (W.H. OVERSTILL)	2603 Mr. Cantel Rd Fayetteville, AR
Nicholas Luth	1390 Washington Apt #6
Anthony Mathews	2442 MEGAN DR. FAY AR, 72703
Larry Kastle	18413 W. Lawson Fay AR 72703
Charlie Bridges	1137 N. West End Ave Fay AR 72703-1162
M. Karen Howard	1185 N. Sunset Fay AR 72703
Ben McMullen	1125 " " " "
Eric Hocker	
Scott Grakon	2016 Bony Fay AR 72701
Wayne Gault	1645 saddlehorn Ave. Fay AR 72703
Billy Johnson	1223 Maple song Fay AR 72703
Delbert Johnson	2144 W. Orader Fay AR 72703
Delbert Johnson	9417 S. Walnut Fayetteville AR 72704
Harold Lane	4394 Jeremigh Pl Fayetteville AR 72704

NAME	ADDRESS
Christina Thomas	2501 W. Megan Drive
Bernard Brasley	2720 Meadowlark
Bruce Lancaster	2301 W. Berry Ln Fay. AR 72701
Sharon Harsell	1233 N. Lewis Fay. AR 72703
Ch. Bell	1437 W. Custer Fay. AR 72701
Chris Bell	402 Loh Dr
David Mayne	3409 Houston Ft. Smith, AR 72901
Al H Wright	1780 Holly St. Fayetteville AR 72701
Carol Duckert	2620 Arthur Hart St. Fayetteville, AR 72703
Johnny Porter	232 West End #32 Fayetteville
Chuck Norris	2122 Lanson Fay AR 72703
David Bell	2313 Woodview Dr Fayetteville
W. K. Bell	239 Eastern Ave Fayetteville AR 72701
Angel Whitsett	1320 N. Oakland #10 Fayetteville, 72703
Dan Fourn	405 W. 80th Ave
Larry Medley	3507 W. 6th St. Fayetteville AR 72703
Michael A. Dye	1714 E. 5th St. Fayetteville, AR 72703
Bill A. Bell	510 1/2 Caville Ave
John W. Livingston Jr.	1742 W. 8th Street
Russell Brink	907 Daline St. Fayetteville AR

NAME	ADDRESS
Christopher B. Sholmire	1650 N. Sang Ave # 205
Al C. I.	2352 Houston St.
Quinn Montgomery	15945 Cherry Circle
Robert P. Harrison	1365 N. Fentress Dr Apt #3
John	412 N. COURT
Eric Bonds	Fayetteville, AR
Marianne Major	Fayetteville, AR
Don Harding	Fayetteville 17352 Crestview rd.
Russell Can	5 Court St Fayetteville 72701
Shawn Manell	2348 Houston St Fayetteville, AR
Mark Waters	2200 Oak St Fayetteville, AR
Nathan Suddeth	2200 Oak St Fayetteville, AR
Mike R. R. R.	1207 N. Vista Fayetteville, AR
Carl R. R.	1218 W. Fentress Ave Fayetteville, AR
Paul R. R.	2524 Madison Fayetteville, AR
Bob Copling	174 Palmer Ave Fayetteville - 72701
Brandi D. Dorely	644 W. Dickson Suite 114 Fayetteville, AR
Shirley Cotton	2232 2232 Holly St Fayetteville, AR 72703
Ramona Rester	1667 N. Suddeth Ln Fayetteville, AR 72701
	1701 N. Sang Ave Fayetteville, AR 72703

NAME	ADDRESS
Michael D. Brecheen	1843 Lawson Fay AR 72703
Max K. Starr	2328 W. Berry Fay AR 72701
John Gilmore	3228 Truett St Fay AR 72701
James Swayze	2328 Holly St Fay AR 72703
Russ Wilson	804 Mission Blvd Fay 72701
Dustin Hill	2402 W. Sycamore 72703
Richard Beck	1153 N West End Ave C-14 Fay 72703
Genese Stufflebeam	1735C. Reed Dr. Fayetteville 72701
Paul Stufflebeam	1735C. Reed Dr. Fayetteville 72701
Eric Thrunbent	2025 W. Berry Fville 72701
Michael Pison	19017 Winn creek RD Winston 72959
Charles Snow	1813 Pleasantwood Lewis St 72703
Chris Snow	1006 Thomas Blv. Springdale
Emile McGhee	424 N. Sang Fayetteville
S. Bradshaw	13495 Little elm Road Farington
Vern L. Johnson	2300 W. Holly St. Fayetteville
Teal Hagan	669 Betty Jo Fay
Mark Hagan	1391 H. Tice Dr Fayetteville
Mark Hagan	1224 Oak Ave Fayetteville

NAME	ADDRESS
Edward Freeman	1050 N. Birch St. #101 Selma, AL 36706
John B. Evans	2930 Coleman Ave. Fayetteville, AR 72701
John J. Morgan	2937 Dorothy Jean St Apt #4
Anthony Steward	1753 Shamblin Ave, Apt A Fayetteville, AR 72701
Dona Mendonca	4295 Wilb St. Fayetteville, AR 72704
Christina	10538 N. Lamar Rd. Fayetteville, AR 72701
Brenda C. Coker	1215 SE Emerson Dr. Fayetteville, AR 72701
Christina	10538 Wilb St. Fayetteville, AR 72701
Justin McCallister	1237 N. Turner Fayetteville, AR 72703
Crystal Luv	1857 Winding Rd
Jerry Jackson	2232 Holly Fay, Ar 72703
Shannon Smith	612 Betty Jo Dr. Fayetteville, AR 72701
Justin Luce	2142 Finneran Dr. Fayetteville, AR 72701
Michael Eberhardt	1906 Wedgway Dr. Fayetteville, AR 72701
Michael Blaguer	1689 Hurst Hurst Drive Fayetteville, AR
Tony Lindsay	P.O. box 213 Coshen, Ark.
Tyler York	1878 Pleasantwoods Dr.
Sean Carr	1878 Pleasant Woods Dr
Quinn	1233 N Lewis St

NAME	ADDRESS
Billy C. Eads	510 1/2 Canale Ave
Edna C. Eads	8040 Highmont Rd.
Pam Miller	Levellite
Kendra Lee	P.O. Box 1011 Farmington
Willie Eads	7317 Belmont Drive Hma Ark
Bailey Stanhill	7728 W. Pleasant Woods Dr
Gareth Wiebe	724 STORE
Debbie Wiebe	719 STORE
LeRoy Wiebe	902 CLARK
Pam McCann	2554 W. Sycamore
Chuck H. Foxley	2554 W. Sycamore
Shirley A. Foxley	114 Belmont
Felice Hanger	2303 Hatfield
Dora Snavin	1660 Linda - Jo
Henry Kharick	1715 Lyons Pl
Clarence Wilson	1936 LAWSON ST FAYETTEVILLE, AR 72703
Kent Atkins	600 Terrell
ROB FEELE	6858 W. TACKETT Rd Stuttgart
Alan Lambert	1008 W 1st 1306 Pl # 11 Fayetteville AR 72704
MM Quack	1402 Mac Rd Prairie Grove AR 72953

NAME	ADDRESS
Dorothy Sear	530 Oakland St Fay 72701
Lolly Landry	2426 Walling
Miche Inyano	3346 Cornell - Fay
Gino	2865 Susan Carrac Cr. Fay-Ar
Anchur Kimble	
Don Gregory	1390 Washington #4 Fay Ar.
Wich C. Ford	1145 DICKINSON (near Fayetteville, Ar. 72703
Nathan Wellcome	2334 Creekwood Ave Fayetteville, Ar 72201
CHRISTY BRYAN	7201 Harfield
Mater	591-5754
James E. Smith	6260 E Huntville Rd Fayetteville
Gwendolyn Mitchell	12871 Kenneth price Rd. Eden Springs, Ar.
James L. Cook	2350 Washington St - Fayetteville
Baron	2710 W. Mt Comfort Rd - Fayetteville
Baron	1327 S. Washington
Ty Johnson	1024 W. Adams St.
Carolyn Adair	2331 W. Deane St
Kandice Fullerton	422 W. Sang Ave. Fayetteville
Shauna Ketter	3405 Dinsmore Trail Fayetteville
1 Miller	1319 N. Fitts Dr Ap #12 Fayetteville

Afts Place

SAY NO TO THE SMOKING BAN

IN FAYETTEVILLE BARS AND RESTAURANTS ⁽²³⁾

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Prindle Huchins	11081 Linda Jo Fay AR 72703
Lanner Sedwell	624 W Moan Pl Fay. AR 72702
Marion Haakenson	929 Park Ave Fay, AR
Long Cary	845 W Jackson Dr Fay.
Marilyn B. Simpson	2670 Club Dr. #12
James C. Russell	843 N Jackson Dr.
Robert E. Shaw	486 E. Shaw Cir
David A. King	64 Village Lk Dr. #12 Fay, AR 72703
David A. King	210 Lapis Lane #10 Fay, AR 72701
Bill Webb	1273 Boxley Fayetteville 72704
Amber Henry	5328 Repecho Dr. X-207 San Diego, CA 92124
Joni Calaway	2849 Wildwood Dr. Fayetteville, AR 72704
Kenneth W. Simpson	230 Westgate Fayetteville 72701
Isa Smith	1206 Tucker Ave

NAME	ADDRESS
Snyder Tiller	3082 Sweet Rd, Apt #1 Fayetteville
Robert	3161 Oakwood Street Fayetteville
Robert	670 Martha Dr. Fayetteville
Robert	1577 N. Fierdsdale Ave Fayetteville
Adrian Brenner	412 E. Lehigh Ave
Adrian	Zion Rd Fayetteville
Adrian	114 E. Main Ave Fayetteville
Adrian	3100 Rockford Dr. #9 Fayetteville
Adrian	1115 E. Main Ave Fayetteville
Adrian	623 Willow Fayetteville
Adrian	1000 Martha Dr. Fayetteville
Adrian	632 Vandenberg
Adrian	481 N. Gregg
Adrian	481 N. Gregg
Adrian	481 N. Gregg
Adrian	14A College Park
Adrian	2089 Birch Fayetteville
Adrian	2072 Wheatland Ave Fayetteville
Adrian	481 N. Gregg Fayetteville
Adrian	2481 Archdale

NAME	ADDRESS
Lucinda Bickers	1988 Macey Drive, Fayetteville, AR 72704
MATT ROBSON	1138 N. SANG AVE FAY AR 72701
Boyd Goettsch	18240 Bethlan Rd Wilson AR.
JOHN STROMBLAD	658 CRESCENT DR FAY, AR 72701
JOHN YOUNG	Box 1895 Selman Mo. 65437
Harold Rael	12683 Hwy 6 West FAY 72704
CHUCK CASSAT	4408 ADACHEL FAY AR 72704
Charles Cassat	3494 N. Fox Rd FAY AR 72703
Karin W. Rael	12683 Highway 6 West, Fayetteville, 72704
KATHY	18923 SHELWEE way Fayetteville 72703
Tommy Deason	18952 Estorline way Fay AR 72705
Doreen Howard	2429 Jeremiah Pl Fayetteville AR 72704
Bill BURGIM	1400 N GREGG FAY AR 72703
HEADLANDSTON	3744 EDWARDS TERRY SPANGLER AR 72762
TODD C. HEVLES	3938 N. Parkside Dr Fayetteville, AR 72703
John Spaton	1241 James Farmington AR 72730
GARY BLEVINS	3451 JULIO RD. SPANGLER, AR. 72764
Dixie Randall	2608 Stagcoach Dr Fay AR 72703
SAMMYE YOUNG	3451 JULIO RD SPANGLER, AR. 72764
John Spaton	15293 White Rock Lane

NAME	ADDRESS
Justin Dysart	2517 Kasey Springdale AR
mler Murray Griffin	10 box 607 West Fover AR
Galena Griffin	40 Dr 337 Valley Spngs 7201
Dorothy Freeman	2105 Turner #2 Springdale AR 72764
David Rogers	507 Betty Dr Fayetteville
Wynne Chape	1856 Briarcliff Fayetteville
Dr. Wynne Chape	2101 Pine Wood Rd Springdale
Levy Pledge	589 Phillip Dr Fayetteville
AD Hughes	2719 Knatz Fwy. AR. 72733
Cheryl Donoff	302 E McCormick Prairie Grove AR
Wendy Conert	1111 1111
Pamela White	200 E Thurman Prairie Grove, AR
DAVID GOSSETT	2816 Quail Dr Fay, ARK
Peldon Rave H. H.	PO Box 259, Gosh, AR 72735
Spice Merden	905 S St Clarkville
W. C.	135 Corn St. Fayetteville
Ky m.	2053 Hoken
Michael D. Goin	947 S. Cabot, Fayetteville
Conny Condit	947 Stakerbury Elk.
Mike Ryan	PO Box 780# P.O. box Prairie Grove

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NAME	ADDRESS
DAVID K KILBOURN	18233 OAKRIDGE SPRINGDALE AR
Robert Luper	1500 South College Fay, ARK
James Garter	2511 Elmore Fay AR
David P. Luper	1 W Village Lake Dr #13
Ray B. Luper	5408 S HACC PLACE / Springdale Ar
Shirley Taylor	5408 Stacy Lane Springdale
KEN McCains	17412 S Hwy 71 / Winslow
HARVEY GREGORICH	618 NW Bst. Bentonville Ar.
Del Smith	319 Wm. Blvd. Winglow ARK.
Larissa Cox	135 Corner Street Fayetteville, AR
Megan Pangelko	4188 E. Hwy 74 Springs Rd Springdale, AR
Becky Smith	6355 E Hendershott AR 72701
John F. Huth	1333 Chaparral Suite B Springdale, AR 72724
Vivian Woodman	2200 E Mountain Spdy Ark

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NAME	ADDRESS
VIRGIL E HYDOLLESTON	PO Box 7001 SPRINGDALE, AR 72766
MARY K RKPATRICK	PO Box 4533 FAYETTEVILLE AR 72702
ANNIS H & M G	2442 1st St. Fayetteville
Dana Roberts	334 Moina Fayetteville
Mary Bruce	2500 W College Fayetteville
Ray Williams	330 3rd St. COATTS CO
John Schlect	1327 S. Duncan Lot 30 Fayette 72701
Mary Madam	PO Box 609 WEST Jct 72724
John Madison	PO Box 607 WEST Jct 72724
Mar Leicher SE.	13943 Buddy Elkins Farmington Ar 72730
E. Paulson	2717 Elizabeth Fayetteville Ar 72703
Pick Russell	PO Box 72 Wanslow Ark 72595
Robert Russell	12943 Buddy Elkins Rd. Farmington Ar 72736
	408 Nightingale Cr Fayetteville, Ar 72704

5/2/78
5/5/78

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NAME	ADDRESS
Arthur & Evelyn	841 W. Rock Lane Fayette 72701
Carl & Susan	13214 Hickory Creek Lane
Jake McBride	2617 Hwy 140a Fayetteville, AR
Alma M. Colman	2332 N. Raven Lane Fayetteville, AR
Marcus & Wendy	135 Cowen St Fayetteville AR
Joanna & Fred	688 Betty Joe Corner Fayetteville, AR
KIM Endcott	10309 South Smokely Blar Rd. Fayetteville, AR
Bob & Sharon	18332 Penland Rd. Stuttgart, AR
Paul & Susan	3103 NW 3rd Bentonville
Barbara & Mary	Box 717, Lincoln, AR
Mark A. Dwyer	103 W. Summit P. O. Fayette 72753
Paul & Kathy	614 N. Sequoyia Dr. Fayette 72701
James & Brenda	614 Dogwood Ave Fayette 72701
Michael Carter	#8 Gair Ln. Bella Vista, AR 72714
Dwight & Michael	1615 N Garland Ave Fayette 72703
Shelly Carter	113 E. Madison Fayette AR
Shelma & Andy	1615 N Garland Ave Fayette 72703
Harold & Bernice	309 S. Greer Fayette
Shirley Bernice	P.O. Box 71 Tontitown AR 72770
	P.O. Box 51 Tontitown, AR 72770

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

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KEEP IT A CHOICE !

NAME	ADDRESS
Robert <i>Robert</i>	14141 Highway Ch. 302
<i>Mike Phelps</i>	2730 Country Club Dr. Fayette
<i>Daleen Elbert</i>	2720 Country Club Dr. Fayette
<i>BT Baker</i>	621 Chester Spoke, AR.
<i>Walt Carson</i>	1395 Hummingbird Rd. Elkins, AR
<i>Donna Backus</i>	930 E. Ash Fayetteville AR
<i>David E. Barker</i>	2868 E. Gordon Lane Dr. Fayette, AR
<i>Wanda Baker</i>	2868 E. Gordon Lane Dr. Fayette, AR 72703
<i>Doreen Elbert</i>	150 Orleans Dr. Fayetteville AR 72713
<i>Ed Seaton</i>	5800 Scott Highway C.R. 72209
<i>Eric Stephens</i>	14734 Low Gap Rd. West Fork, AR 72774
<i>Michael J. Holt</i>	1501 Kavana Springdale, AR 72762
<i>John Keen</i>	608 W. Fidelity Springdale AR 72764
<i>Mar. D. Mayo</i>	319 W. Center Fayetteville AR 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

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KEEP IT A CHOICE!

NAME	ADDRESS
Mark Smith	561 Main St Winslow Ar 72985
Edna Harvill	561 Main St Fayette AR 72959
Sammy S. Anderson	PO Box 607 West Fork AR 72774
Samuel Henry	554 Buchanan Ave #12 Fayette AR 72701
James P. Steuben	6 Wyncoombe Lane Belle Vista, AR
Jan Barker	872 Elm Street Fayetteville AR 72701
James Stephens	872 Elm Street Fayetteville AR 72701
David McCreary	Thompson Rd, Springfield, AR
David McCreary	34th Greenwood Ave, Fayetteville, AR, 72704
Ray Pettigrew	3646 Murrell Rd Springfield, AR 72762
David Wells	P.O. Box 4428 Fayette AR 72702
Timmy Alderson	1703 Stewart St Fayette 72703
Robert Ulrich	3956 apt #3 Parkside Rd Fayette 72703
Bradley Wolford	424 W 13th St Fayette 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

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NAME	ADDRESS
Randy Capeland	# S Augusta Drive Fayetteville
Sadie Bartholomew	1366 Oak Manor Dr Fayetteville
Jeff DeGunn	785 Rainbow Dr Fayetteville
Wanda Gustar	P.O. Box 36 Gasken, Ar
Boyle Jones	2719 N. Club Dr Apt 3 Fayetteville
Theresa Gustar	454 Madison 2035 - Huntsville, Ar 72740
Mrs. Johnson	3016 Malinda dr Fayetteville, AR 72703
TERY SMERS	2711 YALENCIA #5- Fayetteville, AR 72703
Ron Sanchez	1405 Wheaton Blvd Fayetteville AR
Sean Sanchez	1405 Wheaton Blvd Fayetteville AR
Tyler Wheeler	1343 Geneva Dr. Fayetteville AR
Lanni McMullen	3 A East Park Fayetteville AR 72701
Don Beatty	785 Rainbow Dr. #1 Fayette. AR 72703
Justy Jg	727 Tytel Boy Ar 72730

~~Wanda Jones~~
Wanda Jones

~~664 6009~~ ~~1343 Geneva Dr~~ ~~1343 Geneva Dr~~
835 W. Larson Ave. No 108 Fayette, AR 72703

NAME	ADDRESS
JACKIE KYLE MORRIS	# 4 Greenbridge, Bentonville AR 72712
KEVIN STANFIELD	# 10 Greenridge, Bille, AR 72712
WILSON MORRIS	3207 Hanna Ln Bentonville, AR 72712
JESSE GARNER	# 32 Wilbur Ln. Fayetteville
JUSTON TURPIN	" " " "
BRENDON KIRK	24 College Ln Fayetteville, AR
KIM GOTTFRED	# 28 Hill Dr Bentonville, AR 72712
JENNIFER LEE	24601 Hepburn Lane
DELORE & SADDLE CRODERY	3205 Hanna Ln Bentonville AR 72712
CHRISTINA GAGLE	# 4 Greenridge Bentonville AR 72712
ALLISON GEE	23 Brookhollow Bentonville AR 72712
JACQUE HAMILTER	24611 Mockingbird Lane Pleasant Grove, AR
CAROL WHITE	11871 Rockingham Ln Fayetteville AR
DEBORAH	1036 Oak Manor, Fayetteville AR 72713
STEPHANIE SHANNON	1843 LAUSON ST. Fayetteville AR 72703
KELLY SULLIVAN	2450 E Magnolia, Fayetteville AR 72703
THOMAS LEAF	3085 Woodbridge Fayetteville, AR 72703
WIDDER, D. GREGORY	3085 Woodridge Fayetteville, AR 72703
MATT FAMES	126 Roger Circle Dr. SPRINGDALE, AR 72764
DEBORAH KIRK	399 E Monroe Fayetteville, AR 72703

17982 Dr. Frost Approach Fayetteville, AR 72703

315 Redbad West Fort, AR 72774

SAY NO TO THE SMOKING BAN IN HAYETTEVILLE BARS AND RESTAURANTS

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NAME	ADDRESS
Walter M. Boyce	5102 Wedington Dr. Fayetteville 72703
Justin Johnson	2934-8 W. Hwy 44 E. Fayetteville 72703
Clayton	91 W. 6th St. Fayetteville 72703
Samuel Taylor	2124 Ferguson Texas 72703
Samuel Taylor	2124 Ferguson Texas 72703
W. Taylor	7529 SPRINGBROOK SPRINGDALE AR 72764
W. Taylor	1443 N. Jordan Rd
Bird O. Kessler	P.O. Box 511 Joliet Ark 72741
W. Taylor	2027 Mayhew Dr. Fayetteville 72703
W. Taylor	121 #11 Coasting Fayetteville 72701
W. Taylor	3944 Starnes Dr. Fayetteville 72701
W. Taylor	11697 Tongue Rd Fayetteville 72701
W. Taylor	1522 N. Gregg Fayetteville 72701
W. Taylor	285 Rainbow Dr Fayetteville AR 72703
W. Taylor	18580 Pearson Ranch Rd Prairie Grove, AR 72753

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NAME	ADDRESS
Clark Smalley	335 Gregg St Fayetteville
Grandon Legut	4391 Hilday Dr Fayetteville
Frank Re Leonard	335 N. Gregg
Frank Fountain	375 N. Gregg
Mark Hunt	270 Woodlawn Dr Farmington
David Sperry	877 N Garland Gardens
Ben Leuff	1200 N Garland
Frank Holbrook	Birch St 2089 Apt 3
Tom Campbell	1022 W Holly Hwy Ark 72705
James Pratt	2114 N. Tullane #31 72704
Sam Wirthwister	585 N. Lindell Box 126 Fay, Ark 72701
Manuela Winton	22616 Marshall Rd Fay, AR 72703
Marj Watson	22616 Marshall Rd Fay, AR 72703
Damon Scott	22616 Marshall Rd Fay, AR 72703
Frank Phillips	917 Leurett, Fayetteville, AR 72703
Sam Pratt	2114 N. Tullane
Opal Dixon	2114 N. Tullane #3 Fayetteville 72704
Gary Mason	Box 105 Goshen 72223
Marcia Matheson	15425 Vining Grove Rd. Prairie Grove, AR 72704
Miley Lindell	104 W. 5th Fayetteville

Use Back Also Rot/Child
 SAY NO TO THE SMOKING BAN
 IN FAYETTEVILLE BARS AND RESTAURANTS

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 KEEP IT A CHOICE!

NAME	ADDRESS
Kelly Moore	18213 Columbia Dr. Fayetteville, AR 72704
James Moore	" " " "
James Gibbs	3080 3rd 12th St Fayetteville AR 72712
John Ashworth	2020 W. Mt. Comfort Rd #71 Fayetteville AR 72704
Bill Ashworth	2556 W. Mt. Comfort Rd Fayetteville AR 72704
Cheryl Crawford	1753 N. Garland Ave Fayetteville AR 72703
Angela Starks	936 Kelly St Fayetteville 72703
Byron Ashworth	936 Kelly St Fayetteville AR 72703
D. Hall	15135 Rich Oak Farm Fayetteville AR 72702
Max Kern	15135 East Oak Road
Michael Grant	2142 #8 N. Tall Ave. Fayetteville AR 72703
Sean Sullivan	116 Boles Fayetteville
Wendy Conrad	408 Johnson Fayetteville AR 72701
Kent Carriers	1385 2nd S. Fayetteville Fayetteville AR 72703
Betsy Blake	1848 Tradition Ave. Fayetteville AR 72704

NAME	ADDRESS
Danuel A. Red	772 Oakridge, Springdale, AR 72746
Jerry Johnson	772 Oakridge, Springdale, AR 72746
Robt. Patterson	3061 N. Elizabeth, Fayetteville, AR 72703
Earl Strickland	971 Double Springs Rd, Fayetteville 72704
Robert Moore	2332 W. Oak Dr, Fayetteville 72701
William J. Johnson	432 Adams St, Fayetteville, AR 72701
Kenneth	423 N. Olive Ave., Fayetteville - Ar 72701
Louis Decker	8280 Montfort Dr, Fayetteville 72703-1946
Ken Smith	1211 N. Louisa St, Fayetteville, AR 72703
Lincoln Reid	1411 N. Leurett Apt 18 Fayetteville, AR 72703
Robert L. Wright	1380 S. Hwy 176 Westfork, Ark 72774
Raymond Marshall	1887 Combs-Bell Rd, Elkins, AR 72727
Tony Marshall	1887 Combs-Bell Rd, Elkins, AR 72727
Walter Shumaker	2584 N. Chestnut St, Fayetteville, AR 72703
Russ Morgan	6003 No. Davis Av. Fay 72701
Frank Giddens	10029 Mission Fay 72703
Gary (Hazel) Mattie	1908 Maple Fayetteville, AR 72714
John Peale	1910 Oakley Fayetteville 72714
Carl O. Peterson	18580 Shepard Ave, Springdale, AR 72764
Fred D. Thompson	18580 Shepard Ave, Springdale, AR 72764
Bernice Cunningham	116 1/2 S. Duncan Ave. Fayetteville, AR 72701
Reuben Williams	1023 S. Emily Dr. Fay, Ar. 72701

Angie Dupont
Abraham Lincoln

116 1/2 S. Durand Ave. Fayetteville, AR 72701
10223 S. Emory Dr. Fay, Ga. 72301

22

Brian Shumate 20641 Shumate Rd. Elkins AR 72727

Nancy B. Trumbo

3045 Inwood Ln. Fay. AR. 72701

Lewis Duke

Fayetteville, Ar.

GARY PARKER

345 Davis West Fork, AR. 72772

Rain Berkey

2386 Jall Oaks Fay. 72703

RONDA BOUTER

641 N. WITTHAM, Fay 72701

James K. Baxley

2386 Jall Oaks Fay 72703

Donna R. Tiller

166 Cypress Fay Ar 72703

Joyce A. Jeller

166 Cypress Fayetteville AR 72703

Donna Tuller

166 Cypress Fay AR 72703

Margaret Boker

15740 Valley View Rd. Fay. 72704

William B. Raley

1104 Longview Rogers AR 72756

17

Donna K. Raley

1104 Longview Dr. Rogers Ar. 72756

Aaron Smith

807 W. 6th St. Fay. AR

Luan Alderson

101 Midland, Springdale

72764

Kim Hegdem

2780 N. Club Dr. Fay. AR 72703

Tim Buckley

1319 Kings Dr. Fay. 72701

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Do you think it should be a CHOICE or GOVERNMENT BAN ?

x

Leave it to the Business

Signature

David Hollan

Karl Jeffrey

Jay McWhorter

Christ E. R

Address
763 Raintree Dr.
Fayetteville 72703

~~1968 Raintree Dr.~~
FAY 72704

P.O. Box 1264
Gay., AR 72702
1247 at Longport Rd. 72701

For

Against

Leak to Business

yes

yes

yes

32

2004 W. Bay, Tex 72301

X

Signature	Address	FOR	AGAINST	Leave it to the Business
<i>[Signature]</i>	772 OAKRIDGE, Springdale			X
Debra Johnson	772 OAKRIDGE Springdale			X
Barbara	3561 W. ELIZABETH			X
Eric	971 DOBBIE SPRINGS RD			X
Eric MOERS	2332 W. OAK DR			X
Stacy Morgan	432 Adams St Apt 4			X
Michael Woodard	423 E. Olive Ave.			X
Amelia Bieder	3285 Moonlight Dr			X
Missy Reid	1711 N. LEVERETT APT 18			X
Andrew Moll	2338 Lawrence FAYETTEVILLE			X
John Wick	415 E Spring St Fayetteville			X
Quethric Webb Hill	13805 SHAW 1761 BAYVIEW DR			X
Sharon Terry	1859 AARLAND AVE FAY, AR			X
Jon Manduska	18887 Combs Bell Rd. Elkins			X
Frank Marshall	18887 Combs Bell Rd. Elkins			X
MURR MORGAN	6603 N. OLIVE AVE			X
Scott Odum	6029 MISSION			V
Grady Gray Mottus	1960 Brink			V
John Lewis	1900 OAK 1 St.			X
Paul Tate	18580 KENNER AVE Springdale			X
Carol Williams	18580 Kenner Ave, Springdale AR 72764			X
Sherry Sparks	2277 Lady Cir, Fayetteville AR			X
John Butler	P.O. BOX 893 ORANGE AR 72819			X

24

Rahin Bentley 2386 Jau Oaks Fay. 72703
Rita A. Butler 641 N. WATTMAN FAY 72701
Ella's Trumbo 3045- Fwoodlane FAY 72201

NANDY B. TRUMBO 3045 INWOOD LANE FAY. AR. 72701

Donna Fuller 166 Cydnee Fay AR 72703

Joyce Fuller 166 Cydnee, Fayetteville, AR 72703

Donna Fuller 166 Cydnee Fayetteville AR 72703

Margaret Boker 15740 Valley View Fay. 72704

William B Raley 1104 Longview Rogers AR 72756

Donna K. Raley 1104 Longview Dr. Rogers AR 72756

807 W. 6th St. FAY. AR.

901 Medford, Springfield AR 72764

6615 Pagosa Pl. Fayetteville AR 72704

11 11 11

17
Sue T. Allen

Kum Ogden

Jacob News

Bruce Barnes

2750 N. Club Dr Fayetteville, AR 72701 leave it to the owners

15291 BAKER OAK RD FAY AR 72701

1722 N. Courde Fayetteville AR 72703

Booker

(18)

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
James Hancock	1615 Pagosa Pl. Fayetteville, AR 72704
Tom Burkett	6355 E. HUNTER RD. Fay. 72701
Kevin Santos	15041 E. Baker St. RD. EAY AR 72701
Kevin Santos	2004 W. Berry Lane, Fayetteville, AR 72701
Sarah Santos	1319 Kings Dr. Fayetteville, AR 72701
Charles Summerhill	2004 W. Berry, Fay. 72701
Ken Parker	116 Bales Fayetteville 72701
David Hollan	170 N. HUNTER ARMINGTON 72730
Billy Barnes	763 Kalmbeu Dr. Fayetteville 72730
James Phillips	1721 N. Courte Fayetteville 72703
Jessie McClinton	115 Giles Rd Fay 72704
McClinton	P.O. Box 1264, Fay. AR 72702
	1406 Briar-cliff, Fay. AR 72703

NAME	ADDRESS
Simon Rejiville	1636 Red Tip Dr. Fayetteville
Paul Brinkman	404 E. Johnson Ex. AR. 72701
Robert S. Hall	219 Course, Fayetteville Ar. 72701
Robert S. Hall	1297 Mt Gump Rd Fayetteville Ar 72701

8

M SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Jeff Woody	2780 Oakland Zion Rd Fay 72703
Patrick McCallough	1474 N. Beunice Drive Fay 72701
Rebecca Shepherd	1823 N. Pointer Ln. 72701
Rachel Drake	2502 Ravenswood Fay. 72704
Karla Staughter	1833 N Pointer Ln 72701
Lindsey Still	Creech Court 72703
Kim Johnson	2206 Sandy Springdale AP 72702
Vick Deere	110 Village Lake Dr Apt #6 72701
Blake Patton	110 Village Lake Dr. Apt. #6 72701
Lisa Horschpierre	Box 4667 Fayetteville 72702 Box 4667 Fayetteville 72702
Stacey Effrig	629 N Lindell #8 Fayetteville 72701
Lisa Johnson	5118 E Maple Chargeville La.
Shawn Turner	Black Oaks Apt Springdale
BRITTANY CRANFORD	629 Main Lane Fay AR 72701

[illegible]

ROTC/BAO

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

(14)

KEEP IT A CHOICE!

NAME	ADDRESS
ROGER MCCAIN	6371 TALL OAKS L.P.S. Springdale, AR 72762
BOBBY MECLAIN	615 W. Lafayette St #4 Fayetteville, AR 72703
DAVID HALL	15476 HANGSTRONG RD, Fayetteville, AR 72704
LLOYD HICKS	15476 HANGSTRONG RD, Fayetteville, AR 72704
FELICIA HICKS	15476 HANGSTRONG RD, Fayetteville, AR 72704
JOHN G. BANKS	14 W. Maple, Fayetteville, AR 72701
MICHAEL ALAN HUNTER	2200 E. MT. RD, SPRINGDALE, AR 72764
JANE B. THOMPSON	2200 E. Mountain Rd., Springdale, AR 72764
JOHN HALL	1008 N. Waco Susan Springs AR 72764
BOB SPECKEL	3310 BACKS DR. Fayetteville, AR 72704
NATHAN McHALL	1277 Southern Heights Dr. Fayetteville AR 72701
ROSEMARY JENNINGS	541 W. 12TH PL APT 6 ROGERS, AR 72756
DAVID MARTINO	4006 CANTON ST. Fayetteville, AR 72701
JANET HORTON	4103 W. Salem Rd Fayetteville, AR 72704

9th block

①

NAME	ADDRESS
D. Connor	4103 O Salem Sq AR
Merrill Crawford	1753 N. Garland Fay AR
James Griffin	1660 Hammond Fay AR
James Griffin	1660 Hammond Fay AR
Elizabeth Shureik	3886 Notner Trace Fayetteville

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

(121)

NAME	ADDRESS
ROGER MCCLAIN	6371 FAIRDALE SPRINGDALE, AR 72702
PEGGY MECLAIN	6371 FAIRDALE SPRINGDALE, AR 72702
DAVID HILL	615 W. Lafayette St #4 Fayetteville, AR 72703
LEOPD HICKS	15476 HUNTING RD, Fayetteville, AR 72704
FELICIA HICKS	15476 HUNTING RD, Fayetteville, AR 72704
JOHN G. BANKS	14 W. Maple, Fayetteville, AR 72701
MICHAEL ALAN HUNTER	2200 E. MT. RD, SPRINGDALE, AR 72764
JANE B. THOMPSON	2200 E. Mountain Rd, Springdale, AR 72764
JOHN HILL	1009 N. Waco, Springdale, AR 72764
BOB SPECTER	3310 Beatts Dr, Fayetteville, AR 72704
NATHAN MCNAIL	1227 Sathera Heights Dr, Fayetteville, AR 72701
ROSE W. JENNINGS	541 W. 12th St, Apt 6, Rogers, AR 72756
DAVID MARTINO	4006 COUNTRY HAVEN, Fayetteville, AR 72701
JANET HODGKINS	4103 W. Salem Rd, Fayetteville, AR 72701

Brookson SAY NO TO THE SMOKING BAN IN HAYETTVILLE BARS AND RESTAURANTS

IT'S LEGAL!

(121)

KEEP IT A CHOICE!

NAME	ADDRESS
Steve Johnson	2670 CLUB DR. Fay 72703
Josh Knight	2640 FIREWOOD DR. Fay 72703
Kim Kuter	138 E. Cleburn
EDWARD ERICKSON M.D.	2185 ALPINE
Donna Willey	2010 Freedom Fayetteville
CHAD JONES	1806 PLEASANTWOODS DR.
Jennifer J. Montgomery	2800 S. Samoil Dr. SS. Ar
Mary E. Mischen	2327 E. Magnolia Dr. 72702
John Thompson	2853 APT #7 PARK AVE
Shirley	3128 Sutherland Cir. Fay
Zed De	3408 YALE STREET
Dwight Bartholomew	330 Eastwood St
Isabel Hader	3408 YALE STREET
Bill Hader	13500 Chapel Parkway

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

1/4

KEEP IT A CHOICE!

NAME	ADDRESS
DAVA CALDWELL	2718 E. FORBES AVE, Fayetteville, AR 72703
David Tierney	1571 Arthur's Ct Fayetteville, AR 72704
Nancy Watson	3383 Soudridge, For, Ar 72703
Foster Long	121 st West 11 th Ave 72701
Dave Wood	5401 The Pick UP 7111
Jeff Smith	222 Watson Fayetteville AR
Greg Rentrone	940-B Heather Springdale AR 72762
Janie Mackey	17982 Driftwood Apt. Fayetteville AR 72703
Wanda Mackey	343C Chatsworth Dr. Fayetteville 72701
James Sparks	21N. Harvey Owl Rd. Fayetteville AR 72701
Carol Ann	3022' Dolores Lee. Rd.
William E. Hyatt	2015 Thompson Springdale AR.
Jose Mander	2835 Elizabeth Ave Ar 72703
IS SCOTT KENT	201 E APOUDY #41 Fayetteville 72703

NAME	ADDRESS
Jennifer Pantak	41 S. Gregg #10 Fayetteville AR 72701
Brandon Cooper	4808 S. Thompson St. Springdale AR 72764
Jared Lane	13188 Puppy Creek Rd Springdale AR 72762
XXXXXX	
Christa Downing	20421 Bruce Rutherford Dr. Siloam Springs AR 72461
Theresa Rust	3650 Wilson Thruway RD, Fayetteville AR 72707
MC ORBEN	6333 SCATCHELORDY RD
Andy McIntire	1571 N. Levere #9 Fayetteville, AR 72703
Stuart Cooper	609 W. Moan Place Fayetteville AR 72703
Anna Summerhill	609 W. Moan Place Fayetteville AR 72703
Wesley Scifres	1571 N. Levere #9 Fayetteville AR 72703
Eddy Casey	1672 Linda Jo Fy. Rd 72703
Jana Couch	P.O. Box 632 Elkins, Ar 72727
Amir Deloto	919 Fieldstone Ct Centerton AR 72719
Jason Deloto	919 Fieldstone Ct Centerton AR 72719
Allison Hummel	5100 S. 43rd Rogers AR 72758
Colony Jared Palmar	1531 N. Caddo Ave Fayetteville 72704
Robert Greenman	5343 Mission Way AR 03
Mark Keran	1603 Ball Ave Fayetteville AR 03
Terrell West	2263 Lensfield Fayetteville AR 03

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!



KEEP IT A CHOICE!

NAME	ADDRESS
Jon Lundeman	3565 Sandpiper Dr Fay 72704
Joanne Hillier	2017 Green Ridge Ln. Springdale 72764
Joel Zemann	1108 Hill 192 Springdale 72765
Richard Webb	2017 Green Acres Cir. Springdale 72764
Jack Lane III	PO Box 59 Emerald 72737
Donna Webb	PO Box 22 Furlingston, AR 72730
Debra	PO Box 22 Furlingston, AR 72730
Jimmy Hysouth	Walden Magnificent Rd Greenbush, AR 72632
Steve Russell	20618 Strickley St. Fayetteville 72703
Alan Buttram	1703 W Emma Ave Springdale, AR 72762
James Finneyson	1104 W. Emma Ave. Spd AV 72762

NAME

(1A)

ADDRESS

D. G. Gamm

4103 O Salem Sq NE

Murphy LeFauvel

1753 Al Garland Fay Ave

James G. Gamm

1660 Hammond Fay Ave

James Gamm

1660 Hammond Fay Ave

SAY NO TO THE SMOKING BAN 132

IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Linda Ahlgreen	1323 Carlsbad Fay AR. 72701
Charlotte Huffman	20856 Springston Ford Rd, Elkins, AR 72727
Victor Reusitt	11204 E. McIntosh Rd, Elkins, AR 72727
Charles Reynolds	7785 104 W. 567 Fayetteville
Robert Reynolds	1864 E. Parkside Dr Fayetteville AR 72703
Brian Reynolds	"
Kevin Reynolds	Fayetteville, AR
Jefferys	Springdale
Ron Hammons	Elkins AR 72727
Allen Davis	2443 S 9th Rogers
Sharon O'Dell	209 N. Mock. Prairie Grove 72753

NAME	ADDRESS
Mark Doughty	181 KILLDEER DR. FARMINGTON, AR 72730
James H. Doughty	1858 Archhead Fay Ark 72701
Samuel Doughty	124 Layne St, Farmington Ar 72730
Heidel, Andy	Fayetteville, AR 72701
Kim Doughty	30622 N. Gregg Ave #8 Fayetteville, AR 72703
Jeff Doughty	16557 IP LANE Rogers, AR 72256
Benjamin M. Doughty	724 N. Rockliff Fayetteville, AR 72701
Donna M. Doughty	1514 W ASH Rogers Ar 72704
James Doughty	1644 S McCaskey Dr Fayetteville, AR 72701
James Doughty	1844 Wagonwheel Fayetteville AR 72701
Kathleen Doughty	15995 VINEY GROVE, FAYETTEVILLE AR 72704
Reenie Seward	1507 Greenbush Drive Springfield, AR 72764
Edg Tompkins	715 Wainwright St Fayetteville AR 72702
Gene Miller	14888 Elms Rd Fay Ar 72703
Smith Mary	14888 Elms Rd Fay Ar 72703
James Miller	P.O. BOX 10 WESTFAR AR 72774
Alan Miller	15375 REARVIEW RD Fayetteville, AR 72709
John Miller	14920 Hazel Valley Rd, Fayetteville, AR 72701
James Miller	Fayetteville, AR
James Miller	Fayetteville AR

NAME	ADDRESS
Delvin Pargson	P. G. Ar
Charlotte Pargson	P. G. Ar
Franklin Pargson	Everard Ar
Judea Rusty	Farmington, Ar
Duncan Alscovate	Fayetteville Ar
E. Allen	Fay.
Bond Allen	Fay.
Melisha Allen	Fay.
Kay. Boyd	Fay.
Scott Boyd	Fay.
Francis Brucelle	16881 West 1st Ave, 72959
Verna Spash	Trotter - Ar
James Smith	Windsor Arkansas
Frank Smith	Farmington Ar
Jack Brucelle	Caring Arkansas
Joni Mitchell	Westminster Arkansas 72954
James M. Miller	Springfield Arkansas
James M. Miller	Springfield Arkansas
Mike Miller	Springfield Arkansas
	West Arkansas

NAME	ADDRESS
David W. Jr.	Fayetteville AR 72701
James Hites	Fayetteville AR 72701
Robert D. Burch	18995 Under Grove Fayetteville AR 72704
Christopher Stewart	515 E. ROCK ST Fayetteville AR 72701
Steven Stewart	Fayetteville AR 72701
Mark H. H. H.	2003 E. Fayetteville St. Fayetteville AR 72701
Mary Partridge	14507 Mineral Springs Rd Fayetteville AR 72701
Michael D. Davis	5204 Hilltop Street Fayetteville AR 72701
Alvin's Mason	3400 E. Fayetteville St. Fayetteville AR 72701
Robert M. M.	P.O. Box 183 Greenland AR 72701
Robert M. M.	Fayetteville AR 72701
Robert M. M.	2222 E. Fayetteville St. Fayetteville AR 72701
Robert M. M.	3444 Shaw St Fayetteville AR 72701
Robert M. M.	2345 S. Fayetteville St. Fayetteville AR 72701
Robert M. M.	Fayetteville AR 72701
Robert M. M.	619 Lewis St Fayetteville AR 72701
Robert M. M.	584 Kurland Rd Fayetteville AR 72701
Robert M. M.	3444 Lewis Rd Fayetteville AR 72701
Robert M. M.	717 Wagoner Fayetteville AR 72701
Robert M. M.	Fayetteville AR 72701

NAME	ADDRESS
Carolyn Smith	Fayetteville AR
Bill Allen	5544 Selby Ave Des Moines 2201
Bill Allen	Des Moines
Samuel McHenry	Des Moines 22730
Maud Parker	Des Moines 2274
Kevin Perry	Des Moines 22727
Wesley Perry	Des Moines 22120
Jack Carson	Des Moines 2222
James Carson	Des Moines 22727
Steve Armstrong	Des Moines 22727
Sam Miller	1115 West 1st St Des Moines 22727
James Miller	831 Leaning Pine 22761
LLOYD BURCH	14840 CEDARSTON RD, LINCOLN, NE 22249
HELEN BURCH	14840 CEDARSTON RD, LINCOLN, NE 22249
Michael Walker	107 N. Leas Lane #3, Fayetteville, AR 22201
Wayne Walker	107 N. Leas Lane #3, Fayetteville, AR 22201
Michael Walker	107 N. Leas Lane #3, Fayetteville, AR 22201
Kathleen L. Casfield	P.O. Box 914 West Fork, AR 72784
Allen Perry	Des Moines 22727
Carol Perry	Des Moines 22727

NAME	ADDRESS
Gray Seiver	417 Bucey Lane Mechanicsville Pa.
Robert 1395	7726 Colony Point CT HOUSTON TX
Robert	10305 GIBBS RD
Alan Ellis	Memmo Mrs 65366
Paule Oregon	336 Segunda Ave Ogden
Julene Oregon	" " "
John Oregon	" " "
John	" " "
Philip Wainwright W. Rd	202 Killdeer Rd 72730
Luke Blodsworth	423 west 13th St. Fayetteville AR 72701
Jim Thomas	1302 S. WEST AVE FAY AR
Leeland Cleotis	1232 west end Ave FAY. AR.
Walter Cleotis	3788 Leelan Dr Fy Ar 72701
Wendy Leely Cleotis	3788 Leelan Dr Fy Ar 72701
Charles Stenball	3488 Stearns Dr Fy Ar 72701
Theresa Jones	3760 Stearns Dr Fy Ar 72701
Theresa Jones	3700 Stearns Rd Fy Ar 72701
Wendy Jones	3860 Wendt St Fy Ar 72701
Wendy Jones	3251 Stearns Rd Fy Ar 72701
Wendy Jones	3888 Stearns Rd Fy Ar 72701

NAME	ADDRESS
Mule Creek	Meady way rd. 3888
Sharon Brown	
Gusta Young	3288 Steeler Rd 72201
Leung Wang	8437 Meade Ln 72201
Robert Goodall	4450 Hughes 72201
Robert	2765 Sandberry Feille 72201
David Lanza	4547 Oak Forest -
Celia Whitfield	2822 Old Wise Rd Fulle
Aaron Hatfield	
Donna White	Rt 4 Huntsville, AL
Ceil White	Rt 4 Huntsville, AL
Dollie Openderson	Rt 5 Huntsville, AL
Steve Oatfield	Spur OK
Mary Ann Michaels	Muldrow OK
Robert Houting	Cord OK
Anna Freedy	Huntville, AL
Helen Baren	302 S. Hill Ave Fayetteville, AR

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

SD

NAME	ADDRESS
Robbie Deas	2958 Sterling Ct. Fayetteville AR 72703
Kevin Eiken	2958 Sterling Ct Fayetteville, AR 72703
Jessie Gooden (non-smoker)	2530 E. Kault Dr. Fayetteville, AR 72703
Lacey Jensen	1515 N. Oakland Ave. Fayetteville, AR 72703
Aaron Jensen	↑
Joe Galt	3089 Wildflower Fayetteville, AR 72703
Madison Baxter	4194 Patrick Fayetteville AR 72704
Jason Cursten	324 Buchanan Fayetteville AR 72701
Jessica Duvall	808 W. Lawson Apt 5 Fayetteville AR 72701
Clayton Duvall	37 N. Galt Dr. Fayetteville, AR 72701
Charles Sobbin	324 Buchanan Ave. Fayetteville, AR 72701
Colie Buckle	808 W. Lawson Apt 5 Fayetteville AR 72701
Alex McIntosh	16123 Walnut Trace " " 72704
Seely McDaniel ^{13w} smoker	" " " " " "

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
Wick Stealy	1926 N. Gress Ave #9 Fayetteville, AR 72703
Jimmy Stealy	1249 N STORER #51, FAYETTEVILLE, AR 72703
Mark Stealy	622 E Bethel Ave. Ft. Fay
Henry Halland	1692 Hunt Lake, Fayetteville, AR
Brad Bloss	3352 Fairfax St., Fayetteville, AR
Doni Pustling	531 N. Scottsdale Dr. Apt 7 Fayetteville, AR 72701
Ben Keener	211 W Thompson Fayetteville, AR (Is drinking next?)
Mary Billingsley	16123 Walnut Trace Fayetteville, AR
Esther	2980 North Dr. Fayetteville, AR 72704
Ben Gibson	211 W Thompson Fayetteville, AR
Mr Gullet	822 N Blaring Star Fayetteville, AR
Shannon Shumard (non-smoker)	4494 Patrick St. Fayetteville, AR 72704
Stephanie Roberts	2660 Lexington Dr #30 Fayetteville, AR 72701
Greg Bullot	735 N. Washington

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

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KEEP IT A CHOICE !

NAME	ADDRESS
John May Jr	140 W. Poplar Fayetteville AR 72703
Steve Leister	29 Village Lake #12 Fayette AR 72703
Steve Moulton	14807-A VCB Place Springfield, AR 72704
Julia Robinson	13218 Johnson Ln West Fork AR 72774
Jeffrey Shanklin	2491 Middleton Way Fayetteville AR 72703
Jan M. Land	260 W. Lewis Ln, Fayetteville, AR 72701
Linda M. Dice	3630 Waldorf Dallas TX 75229
Julia Nelson-McCormac	18710 Hwy 1120 Springdale, AR 72762
Steve Gosden	10617 Edgewater Road Ft. Smith AR
Heather Carr	25 Coast Street Fayetteville AR 72704
Brian Richards	305 W. Lafayette St Fayetteville AR 72701
Ryan Davis	2732 Copper Oaks Plz. Fayetteville AR 72705
Justin Carr	20818 Lakeshore Springdale AR 72764
Phillip Kelly	20818 Lakeshore Springdale AR 72764

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL !

KEEP IT A CHOICE !

NAME	ADDRESS
BRIAN CHASSON	211 Thompson #10 / FAIRFETTEVILLE, AR (Not Russian)
Joey Black	546 Scottsdale Dr #7 / Fayetteville AR
Danny Zeigler	18724 Rockford Cr. Lowell Ar 72745
Jami Zeigler	" " "
Corrina Vogt	" " "
Terry L. Jones	2462 Kantz Ln Fayetteville, AR. 72703
Jenni Kirsstein (Abandoned)	980 Lewis Ave Fayetteville Ar 72701
HAUN FORESTER (Non-smoking employer)	655 N. Whitham Fayetteville, AR 72701
Kevin Brown	744 W. Cleveland St. Fayetteville, AR 72701
Tim Farrell, Jr.	280 S. Hill Ave. Fayetteville, AR 72701
Mandsey McCauley	804 W Berry Fayetteville AR 72701
Richard Malachuk	204 W Walnut, Fayetteville, AR 72701
Robio Hovary	2458 STEELW. CT, FAYETTEVILLE AR
Holly Henry	8958 Sterling Ct, Fayetteville, AR 72701

SAY NO TO THE SMOKING BAN IN FAYETTEVILLE BARS AND RESTAURANTS

IT'S LEGAL!

KEEP IT A CHOICE!

NAME	ADDRESS
Pete Rankin <i>Pete Rankin</i>	1699 Ransy, # 72703
JOHN B. BRECHT <i>John B. Brecht</i>	204 E. CLEBURN ST. FAYETTEVILLE, AR. 72701
WIM & SPEER <i>Wim & Speer</i>	2414 Robin Ct Fayetteville, AR 72703
Bruce & Micael <i>Bruce J. Micael</i>	2875 Centwood, Fayetteville, AR 72703
Samuel & Wilson <i>Samuel & Wilson</i>	2375 Markham Ave 72701
ELM SCOTT <i>Elm Scott</i>	1600 Garfield G. Leock 72204
Samuel & Wilson <i>Samuel & Wilson</i>	1414 N. Hobbs St
<i>Airic Noel & David Allen</i>	1123 S. West St. Fay. Ar. 72701
<i>Michael & Anne</i>	1430 Kings Dr Fayetteville AR 72701
Ashlee Holobrough	1037 Mollie G. Fayetteville, AR 72701
Dan & K. <i>Dan & K.</i>	2104 N. Central Fayetteville AR 72704
Joe Alexander	257 22nd St Fayetteville 72701

AY NO TO THE SMOKING BAN FAYETTEVILLE BARS AND RESTAURANTS

S LEGAL!



KEEP IT A CHOICE!

NAME	ADDRESS
Will	2718 E. PERSIMMON AVE., Fayetteville, AR 72703
Meri	15 N. ARTHUR AVE. Fayetteville, AR 72701
	5383 S. CANTON AVE., Fayetteville, AR 72703
Ed	12111 S. GILLESPIE AVE. Fayetteville, AR 72701
Joe	5101 THE FURK AVE. #111
	222 WALSON Fayetteville AR
	9406 Heather Springdale AR 72762
	17987 Dr. F. Woods APT. Fayetteville AR 72703
	3436 Chatsworth Dr. Fayetteville 72701
	21 N. Harvey Owl Rd. Fayetteville AR 72701
Yang O	3077 DOBELL'S FERRY DR.
	2015 S. Thompson Springdale, AR.
	2835 ENABETH AVE. AR. 72703
	201 E. ARCADE #4 Fayetteville 72703

NAME

ADDRESS

Modley McGraw

118 E. Lafayette, Fayetteville, AR. 72701

Chris DiLorenzo

326 Rollston Fayetteville, AR 72701

Amber Seacraft

545 N. Gregg #B Fayetteville AR 72701

Sarah Chance

1478 Bernice, Fayetteville AR. 72701

Julianne Gander

2144 Ora Dr Fayetteville, AR 72701

Rachel Burns

145 Virginia Ave, Fayetteville, AR 72701

Regis Abel

79 N. Fielder Ave Fayetteville AR 72701

Allice Cochran

523 Genevieve Fay, AR 72701

J. Lunn

2715 Strayhorn Trm.

Caroline Hartzman

2784 N. Charleston Xing, Fay, AR. 72703

Anna Christopherson

309 W. Spring St Apt 3, AR 72703

Dennis Sifers

8430 Meadow Ln Harrisburg 72446

~~Kevin Bryant~~

~~10201 Campbell Ave Fayetteville AR 72701~~

~~Kevin Bryant~~

~~10201 Campbell Ave Fayetteville AR 72701~~

Kevin Bryant

5412 Lockett Dr Fayetteville AR 72701

1001 Ktn

10201 Campbell Ave Fayetteville AR 72701

1001 Ktn

10201 Campbell Ave Fayetteville AR 72701

Robert W. Smith

1461 N. Gregg Ave #2 Fayetteville AR 72701

Robert W. Smith

1461 N. Gregg Ave #2 Fayetteville AR 72701

Robert W. Smith

1461 N. Gregg Ave #2 Fayetteville AR 72701

Robert W. Smith

1461 N. Gregg Ave #2 Fayetteville AR 72701

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