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TO: Mayor Jordan
City Council

TO: Don Marr, Chief of Staff

FROM: Kit Williams, City Attorney

DATE: February 28, 2017

RE: Walton Arts Center Preserved

**2010: Major Theatrical and Musical Performances
Including Broadway Shows Might Leave Fayetteville**

In 2010 Buddy Philpot, then Executive Director of the Walton Family Foundation, told the City and the Walton Arts Center officials that the Foundation would only provide the vital lead gift for an expansion of the Walton Arts Center if such a performing arts center would be located on or near Bentonville's downtown square. The Walton Family Foundation had long been our Walton Arts Center's most generous and indispensable donor for the continuing operation of Fayetteville's performing arts center. A new, larger and state of the art performing arts center in Bentonville would likely have become **the** venue for the Broadway series and most other significant performing arts that had been presented at the Walton Arts Center.

The possible loss of most performances of the Walton Arts Center on Dickson Street would have been a body blow to our Entertainment District just as its founding twenty years earlier had spurred the creation of this vibrant economic gem for Fayetteville. Mayor Jordan and I immediately set to work to try to prevent this catastrophe and save the Walton Arts Center from a threatened decline.

Years of Negotiations: From Disharmony to Agreement

It took many months of negotiations with the Walton Family Foundation, University of Arkansas Chancellor David Gearhart and the Walton Arts Center

Council to ensure the survival, viability and even improvements of our Walton Arts Center. Chief of Staff Don Marr and Mayor Jordan deserve much credit in our early negotiations as we sought to alleviate the Walton Family Foundation's concerns about the governance of the Walton Arts Center Council, Inc. I had Mayor Jordan's strong support as we hammered out new agreements that provided significant input and appointment authority for the Walton Family Foundation while receiving concrete assurances that the Walton Arts Center would continue to be supported and would continue to present the same quality and quantity of Broadway shows and other artistic productions that our citizens and visitors had been enjoying for years.

Then Mayor Jordan strongly and successfully campaigned to obtain voter approval of the Hotel, Motel and Restaurant bonds that brought about seven million dollars to the enlargement and enhancement of the Walton Arts Center to join with the Walton Family Foundation's five million dollar grant. These joint efforts by Fayetteville citizens approving these HMR bonds and the generous grant by the Walton Family Foundation helped spur other generous corporate and individual gifts to fund the twenty three million-dollar renovation and improvement. The enlarged and enhanced Walton Arts Center now stands as a shining example of the efforts of Mayor Jordan, Chief of Staff Don Marr and our citizens to work with the Walton Family Foundation and Walton Arts Center Council for the benefit of Fayetteville and all of Northwest Arkansas.

I am proud to have played a small part in this long effort. I must thank the Chairman of the Walton Arts Center Council, Greg Lee, whom I have known since our days at Fayetteville High School. My confidence in his integrity, judgment and commitment to the Walton Arts Center was always confirmed as we struggled through changes needed in the lease and other legal documents. Greg and his wife Hannah also made a generous personal donation to the Walton Arts Center enhancement and enlargement project.

Walton Arts Center: Ready for the Next Half Century

I write this today after reading in Saturday's newspaper that the "Walton Family Foundation's 2020 plan doesn't include money for a large-scale performing arts center in Bentonville..." Arkansas Democrat-Gazette, February 25, 2017, page 1A. (Copy attached.) The City of Fayetteville expressly agreed that the Walton Arts Center Council, Inc. could build such a new performing arts center in Bentonville once the Walton Arts Center here had been expanded and enhanced. As our region continues to grow, such facility in Bentonville or elsewhere may very well become needed and then be constructed. But even when this occurs, I believe our Walton Arts Center will continue to offer the best in performing arts

to our citizens and visitors. The Walton Arts Center will remain the heart of our Entertainment District providing strength and vitality to all of our other entertainment venues and our many excellent restaurants and shops there.

Finally, I need to thank Fayetteville's leaders and policy makers, our City Council Members who supported Mayor Jordan and had the final say over every legal document I presented. It was only with the unified support of Fayetteville's City Council that these negotiations could ultimately be successful. Your concern for Fayetteville's Entertainment District and your wisdom in approving all the necessary documents (as well as your support for the HMR bonds) made the enhancement and preservation of our Walton Arts Center not only a possibility, but a reality.

The Long View

Every week, every month, every year, the City staff and City Council must make innumerable decisions, resolve many controversies, and work diligently to protect Fayetteville's quality of life and to promote our economic vitality. Your efforts have resulted in Fayetteville being repeatedly selected as one of the best places in America to live, work and raise a family. We could not regularly achieve that honor and recognition without your visionary and caring leadership coupled with the efforts of our competent and dedicated staff.

Tomorrow I am honored and happy to begin my 17th year as City Attorney for my hometown. When I look back over my 16 years of service as Fayetteville City Attorney, my small part in the establishment of the 600 acre Mount Kessler Regional Park and the preservation and expansion of the Walton Arts Center bring me the most satisfaction. I must also acknowledge and express my gratitude to Jeremy Pate for his skillful negotiations that helped us purchase the 400 acres of wilderness on Mount Kessler at an extremely low net cost. The theater and park will long be treasured as two of Fayetteville's most precious crown jewels. They will serve future generations as the legacies of the City Council Members and Mayors with whom I have served. It is of little importance that future generations of Fayetteville citizens may not know our names, nor realize our efforts. Rather it is enough that they can enjoy the theater, the sports fields and the wilderness that we have preserved for them.