# City of Asheville Staff Report

## City Council Meeting Date: September 8, 2026

## Staff Resources: Chris Corl, Director, Department of Community & Regional Entertainment Facilities; Jon Fillman, Community Event Manager

## Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at Oktoberfest on Saturday, October 3, 2026

## Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The Asheville Downtown Association has requested that City Council permit them to serve beer and/or unfortified wine at Oktoberfest on October 3, 2026, on Coxe Avenue, and to allow consumption at the event.
- Alcohol boundaries are defined as per the accompanying event site maps. Approval would allow fundraising opportunities for the sponsoring nonprofit organizations. No negative fiscal impacts have been identified.

## Vendor Outreach:

- Not applicable.

## Council Vision 2036 Focus Area(s):

- A diverse community
- Thriving local economy
- Connected and engaged community

## Council Priority Recovery Area(s):

- Economic Recovery

## Committee(s):

- None

## Fiscal Impact

- This action requires no City resources and has no fiscal impact.

## Suggested Motion:

- Motion to adopt a resolution to permit the possession and consumption of malt beverages and/or unfortified wine at Oktoberfest on Saturday, October 3, 2026.

## Attachment(s):

- Resolution with Site Map

# City of Asheville Resolution Number 26-_____

Resolution granting permission for the possession and consumption of malt beverages and/or unfortified wine at Oktoberfest on Saturday, October 3, 2026, from 1:00 p.m. to 6:00 p.m.

Whereas, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

Whereas, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

Whereas, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

Whereas, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Oktoberfest.

Now, therefore, be it resolved by the City Council of the City of Asheville that:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Oktoberfest event area, as set forth in Exhibit A, attached.

2. Oktoberfest is located within the boundaries of Coxe Avenue between Hilliard Avenue and Millard Avenue.

3. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Oktoberfest on Saturday, October 3, 2026, from 1:00 p.m. - 6:00 p.m.

4. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Oktoberfest event area. No other possession of open containers of malt beverages and/or

unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Oktoberfest event area, or elsewhere in the City of Asheville, as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

5. The location of Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted, shall be designated by the posting of signs in the event area.

Read, approved, and adopted this 8th day of September 2026.

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Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk

EXHIBIT A

Oktoberfest is located within the boundaries of Coxe Avenue between Hilliard Avenue and Millard Avenue.

