THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: October 24, 2023

Subject: Permission for the Possession and Consumption of Malt Beverages and/or Unfortified Wine at an Outdoor Special Event

Staff Resource(s): Chris Corl, Director, Department of Community & Regional Entertainment Facilities
Jon Fillman, Community Event Manager

Action Requested: Adoption of resolution to permit the possession and consumption of malt beverages and/or unfortified wine at Sanctuary Series Vol 2.

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 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.
- 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 following organization has requested that City Council permit them to serve beer and/or unfortified wine at it's event and allow for consumption its event:
    - Sanctuary Series Vol 2., to occur at 27 Church st. on November 3, 2023, from 4:00 p.m. - 10:00 p.m.
- Alcohol boundaries are defined as per the accompanying event site map.

Council Goal(s):

- This action has no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organization.

Con(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 Sanctuary Series Vol 2.

Attachment(s)

- Resolution with Site Map

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SANCTUARY SERIES VOL 2. ON THE DATE OF NOVEMBER 3, 2023. FROM 4:00 PM – 10:00 PM

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 Sanctuary Series Vol 2.

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 Sanctuary Series Vol 2. event area, as set forth in Exhibit A, attached.

2. Sanctuary Series Vol 2. event is within the boundaries of Church Street between Commerce Street and Aston Street.

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 Sanctuary Series Vol 2. on Friday, November 3rd, 2023 from 4:00 p.m. - 10:00 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 Sanctuary Series Vol 2. 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 Sanctuary Series Vol 2. 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 Sanctuary Series Vol 2., 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 24th day of October 2023.

_____ _____

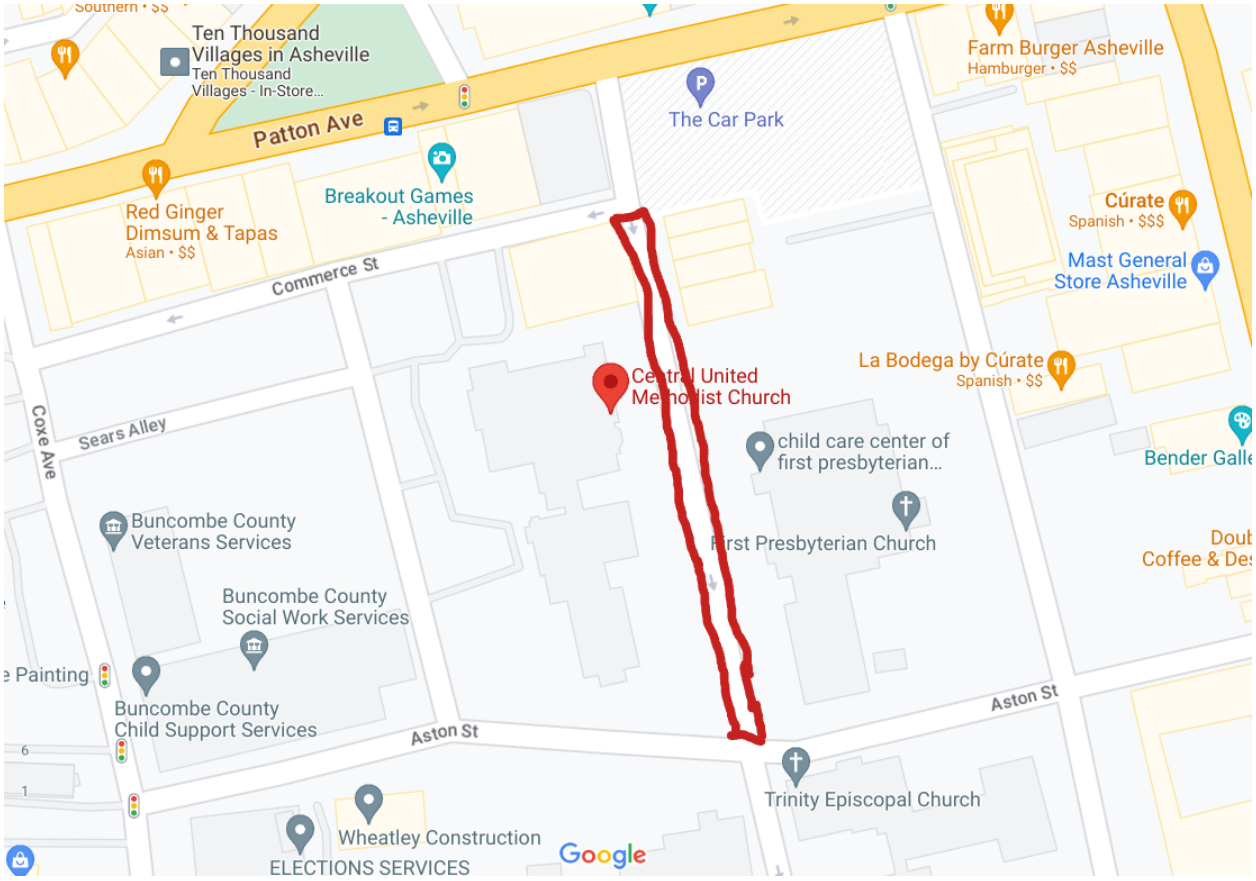
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area