THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: May 23, 2023

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

Staff Resource(s): 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 Hola Asheville, Independence Day 5K, the Ingle's Independence Day Celebration, the AIA Summer BBQ, and at the Sanctuary Series.

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 organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
    - Hola Carolina for Hola Asheville, to occur at Pack Square Park on Saturday, June 10, 2023, from 11:00 a.m. - 7:00 p.m.
    - Food Connection for the Independence Day 5K to occur at Carrier Park on Tuesday, July 4, 2023, from 7:00 a.m. - 11:00 a.m.
    - Asheville Downtown Association for the Ingle's Independence Day Celebration to occur at Pack Square Park on Tuesday, July 4, 2023 from 12:00 p.m. - 10:00 p.m.
    - AIA Asheville for the AIA Summer BBQ to occur at Carrier Park on Thursday, July 13, 2023 from 5:30 p.m. - 7:30 p.m.
    - Central United Methodist Church for the Sanctuary Series to occur on Church Street on July 13, 2023 from 5:00 p.m - 8:30 p.m.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

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 Hola Asheville, Independence Day 5K, the Ingle's Independence Day Celebration, the AIA Summer BBQ, and at the Sanctuary Series.

Attachment(s)
- Resolutions with Site Maps

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE ON THE DATE OF JUNE 10, 2023 FROM 11:00 AM – 7:00 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 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; 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 Hola Asheville.

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 Hola Asheville event area, as set forth in Exhibit A, attached.

   The Hola Asheville event area is within the boundaries of the Roger McGuire Green and Court Plaza at Pack Square Park located at 121 College Street.

2. 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 Hola Asheville on Saturday, June 10, from 11:00 a.m. - 7:00 p.m.

3. 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 Hola Asheville 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 Hola Asheville 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.

4. The location of Hola Asheville, 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 23rd day of May 2023.

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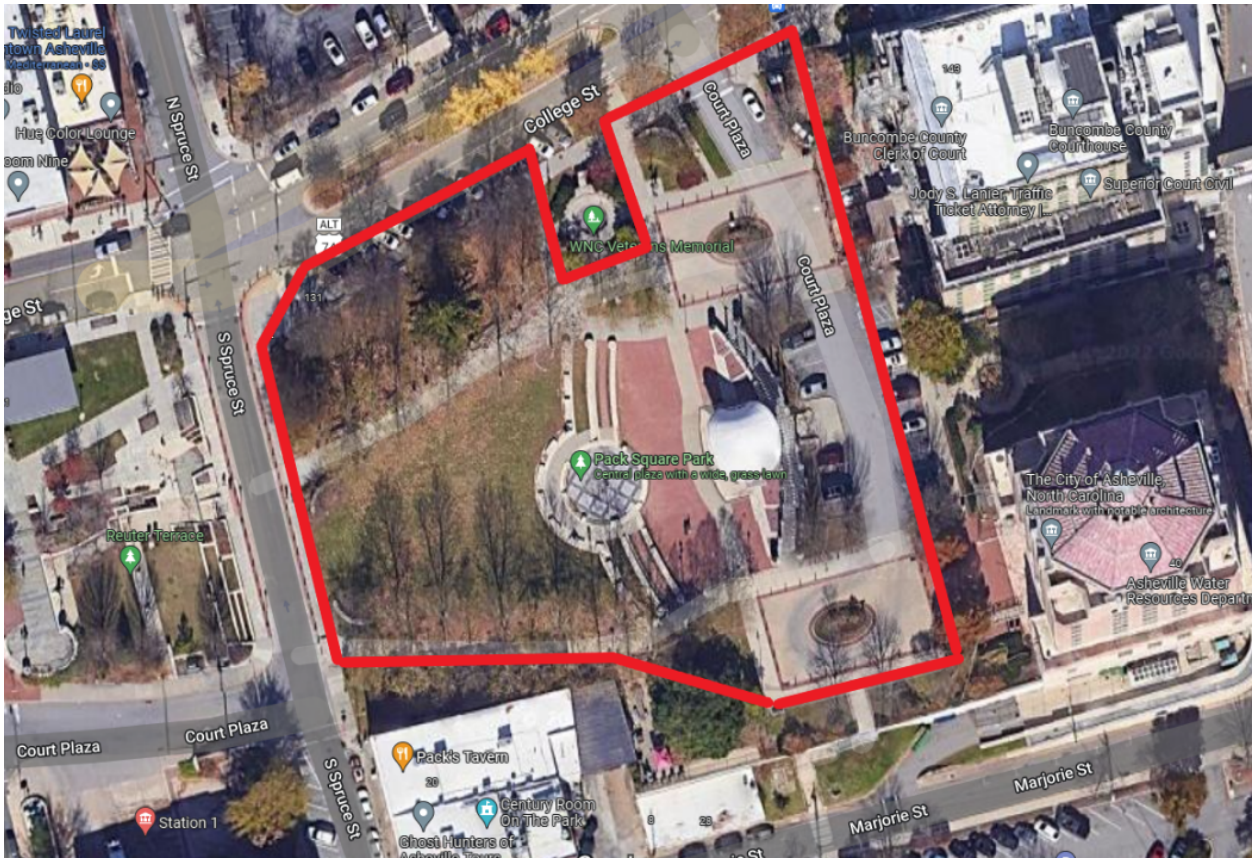
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INDEPENDENCE DAY 5K ON THE DATE OF TUESDAY, JULY 4, 2023, FROM 7:00 AM - 11:00 AM

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 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; 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 the Independence Day 5K.

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 Independence Day 5K event area, as set forth in Exhibit A, attached.

2. The Independence Day 5K event area is within the boundaries of Carrier Park located at 220 Amboy Road.

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 Independence Day 5K on Tuesday, July 4, 2023, from 7:00 a.m. - 11:00 a.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 aluminum cans, 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 Independence Day 5K 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 Independence Day 5K 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 the Independence Day 5K, 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 23rd day of May 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLE'S INDEPENDENCE DAY CELEBRATION ON THE DATE OF TUESDAY, JULY 4, 2023, FROM 12:00 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 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; 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 the Ingle's Independence Day Celebration.

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 Ingle's Independence Day Celebration event area, as set forth in Exhibit A, attached.

   The Ingle's Independence Day Celebration event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, S. Spruce Street and Court Plaza at Pack Square Park located at 121 College Street.

2. 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 the Ingle's Independence Day Celebration event area on July 4, 2023, from 12:00 p.m. – 10:00 p.m.

3. 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 Ingle's Independence Day Celebration 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 Ingle's

Independence Day Celebration 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.

4. The location of the Ingle's Independence Day Celebration, 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 23rd day of May 2023.

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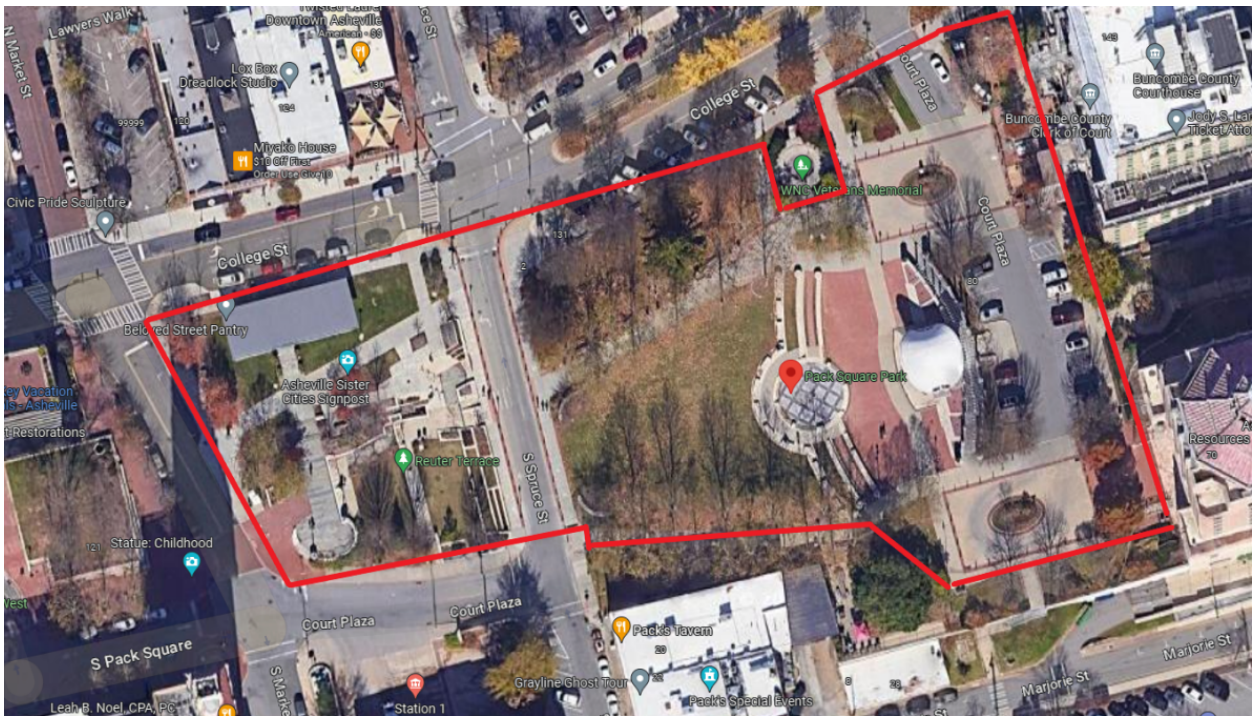
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA SUMMER BBQ ON THE DATE OF THURSDAY, JULY 13, 2023, FROM 5:30 PM – 7:30 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 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; 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 the AIA Summer BBQ.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

2. 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 AIA Summer BBQ event area, as set forth in Exhibit A, attached.

   The AIA Summer BBQ event area is within the boundaries of Carrier Park located at 220 Amboy Road.

4. 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 the AIA Summer BBQ event area on July 13, 2023, from 5:30 p.m. – 7:30 p.m.

5. 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 AIA Summer BBQ 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 AIA Summer BBQ 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 the AIA Summer BBQ, 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 23rd day of May 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SANCTUARY SERIES ON THE DATE OF THURSDAY, JULY 13, 2023, FROM 5:00 PM – 8:30 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 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; 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 the Sanctuary Series.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

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 within the Sanctuary Series event area, as set forth in Exhibit A, attached.

   The Sanctuary Series event area is within the boundaries of Church Street adjacent to 27 Church Street.

6. 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 the Sanctuary Series event area on July 13, 2023, from 5:30 p.m. – 7:30 p.m.

7. 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 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 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.

6. The location of the Sanctuary Series, 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 23rd day of May 2023.

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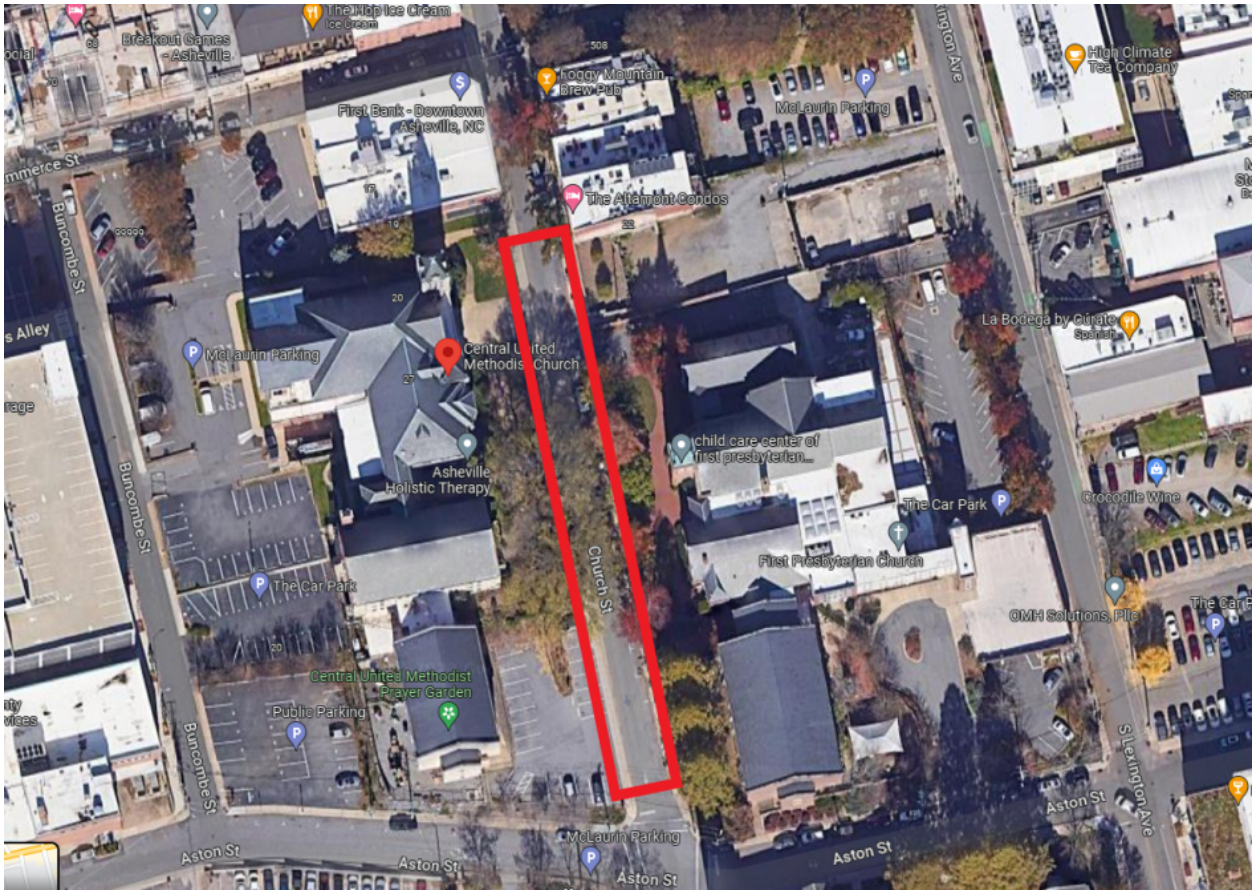
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area