THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: March 28, 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 the Downtown After 5 series, The Block Party presented by Looking Glass Realty, and GrindFest.

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:

    - Asheville Downtown Association for Downtown After 5, to occur within the 100 Block of Lexington Avenue from 5:00 p.m. - 9:30 p.m. on Fridays, April 21, May 19, June 16, July 21, August 18, and September 15, 2023
    - Pisgah Conservancy for The Block Party presented by Looking Glass Realty, to occur on S. Liberty Street on Saturday, April 29, 2023, from 2:00 p.m. - 7:00 p.m.
    - Black Wall Street AVL for GrindFest to occur in the vicinity of 8 River Arts Place, with alcohol contained to a beer garden located at 81 Riverside Drive on Friday, Saturday and Sunday, May 26, 27 and 28, 2023 from 9:00 a.m. - 6:00 p.m. daily.

- 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 the Downtown After 5 series, The Block Party presented by Looking Glass Realty, and GrindFest.

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 DOWNTOWN AFTER 5 ON THE DATES OF APRIL 21, MAY 19, JUNE 16, JULY 21, AUGUST 18, AND SEPTEMBER 15 2023, FROM 5:00 PM – 9:30 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 Downtown After 5.

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 Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of Lexington Avenue between the intersections of Hiawassee and the I-240 overpass.

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 Downtown After 5 on Fridays, April 21, May 19, June 16, July 21, August 18, and September 15, 2023, from 5:00 p.m. – 9:30 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 Downtown After 5 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 Downtown After 5 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 Downtown After 5, 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 28th day of March 2023.

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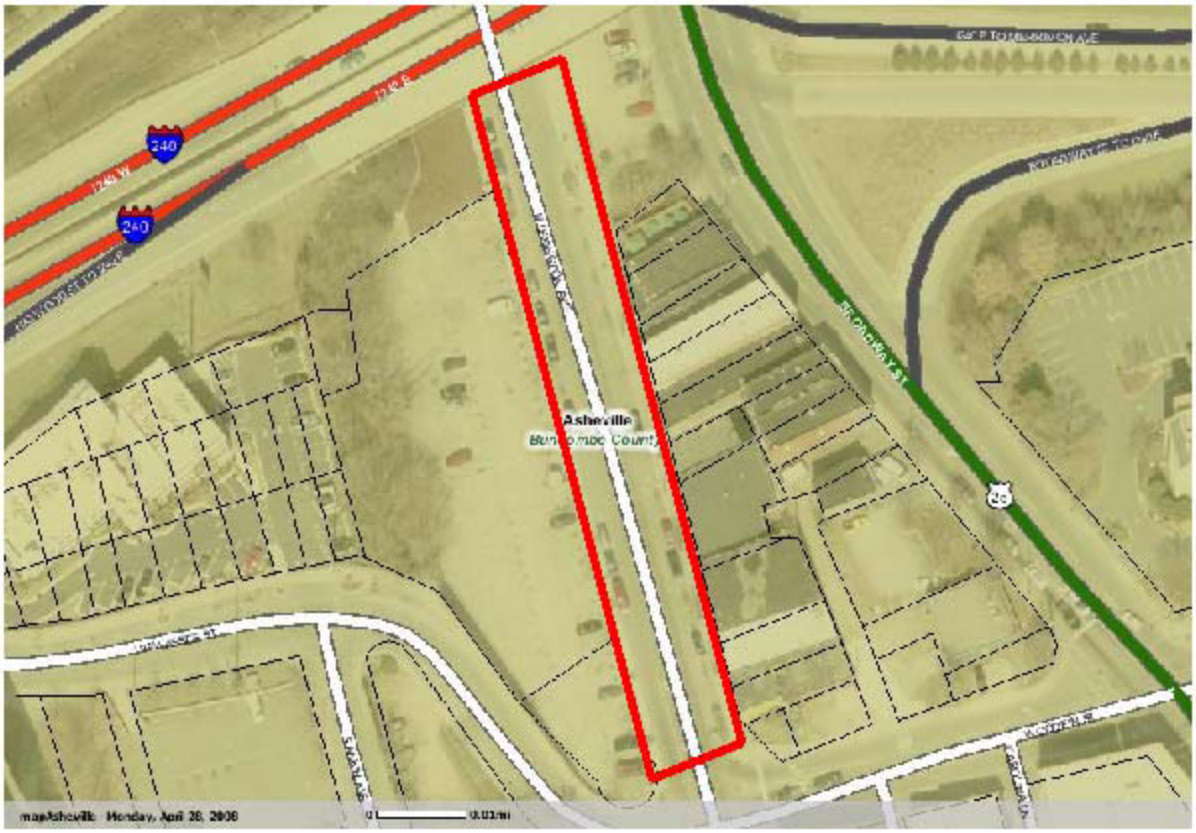
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Lexington Avenue (100 Block)

Alcohol Area

RESOLUTION NO. 23- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLOCK PARTY PRESENTED BY LOOKING GLASS REALTY ON THE DATE OF SATURDAY, APRIL 29, 2023, FROM 2:00 PM - 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 The Block Party Presented by Looking Glass Realty.

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 Block Party Presented by Looking Glass Realty event area, as set forth in Exhibit A, attached.

2. The Block Party Presented by Looking Glass Realty event area is within the boundaries of South Liberty Street between East Chestnut Street and Merrimon Place.

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 The Block Party Presented by Looking Glass Realty event on Saturday, April 29, 2023, from 2:00 p.m. - 7:00 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 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 Block Party Presented by Looking Glass Realty 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 Block Party Presented by Looking Glass Realty 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 Block Party Presented by Looking Glass Realty, 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 28th day of March 2023.

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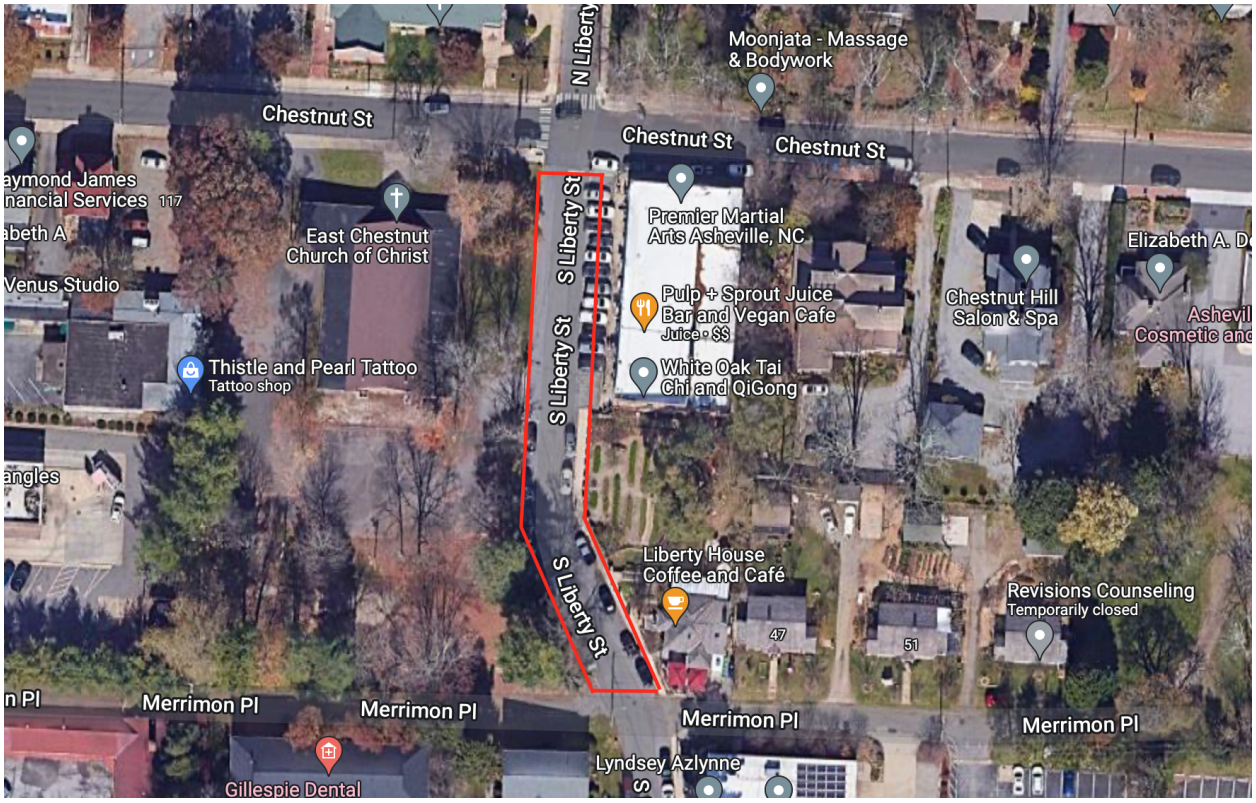
City Clerk Mayor

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 GRINDFEST ON THE DATES OF MAY 26 & 27, 2023, FROM 9:00 AM – 6:00 PM AND MAY 28, 2023 FROM 10:00 AM - 6:00 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 Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; 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 Grindfest.

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 Grindfest event beer garden area, as set forth in Exhibit A, attached.

   The Grindfest event beer garden area is within the boundaries of 81 Riverside Drive.

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 Grindfest event beer garden area on May 26 and 27, 2023, from 9:00 a.m. – 6:00 p.m. and May 28, 2023, from 10:00 a.m. - 6:00 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 Grindfest 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 Grindfest 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 Grindfest, 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 28th day of March 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A

