THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: September 27, 2022

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 Asheville Veganfest and the Surreal Sirkus Arts Festival.

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:
    - Triangle Vegfest for the Asheville Veganfest to occur at Pack Square Park on Sunday, October 2, 2022, from 11:00 a.m. - 6:00 p.m.
    - Arts2People for the Surreal Sirkus Arts Festival to occur at Pack Square Park on Saturday, October 29, 2022, from 1:00 p.m. - 10:00 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:

- None

Suggested Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at Asheville Veganfest and the Surreal Sirkus Arts Festival.

Attachment(s)

- Resolutions with Site Maps

RESOLUTION NO. 22- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON THE DATE OF SUNDAY, OCTOBER 2, 2022, FROM 11:00 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 Asheville Veganfest.

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

2. The Asheville Veganfest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, and Pack Square at Pack Square Park, including Spruce Street between the intersections of College Street and Court Plaza, and North & South Pack Square between the intersections of Biltmore Avenue and South Market 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 Asheville Veganfest on Sunday, October 2, 2022, from 11:00 a.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 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 Asheville Veganfest 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 Asheville Veganfest 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 Asheville Veganfest, 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 27th day of September, 2022.

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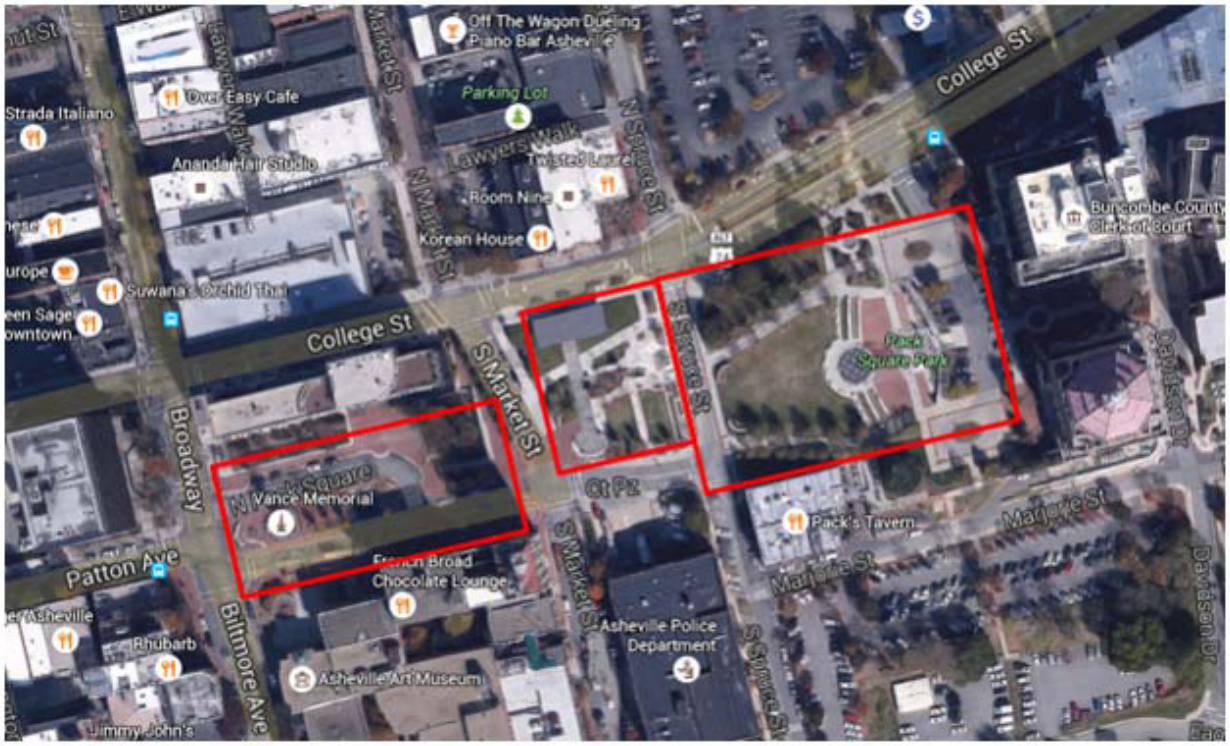
City Clerk Mayor

Approved as to form:

_____

City Attorney

EXHIBIT A



Alcohol Area

RESOLUTION NO. 22- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SURREAL SIRKUS ARTS FESTIVAL ON THE DATE OF SATURDAY, OCTOBER 29, 2022, FROM 1:00 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 Surreal Sirkus Arts Festival.

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 Surreal Sirkus Arts Festival event area, as set forth in Exhibit A, attached.

2. The Surreal Sirkus Arts Festival event area where open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted is limited to the boundaries of the Roger McGuire Green at Pack Square Park.

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 Surreal Sirkus Arts Festival on Saturday, October 29, 2022, from 1:00 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 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 Surreal Sirkus Arts Festival 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 Surreal

Sirkus Arts Festival 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 Surreal Sirkus Arts Festival, 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 27th day of September 2022.

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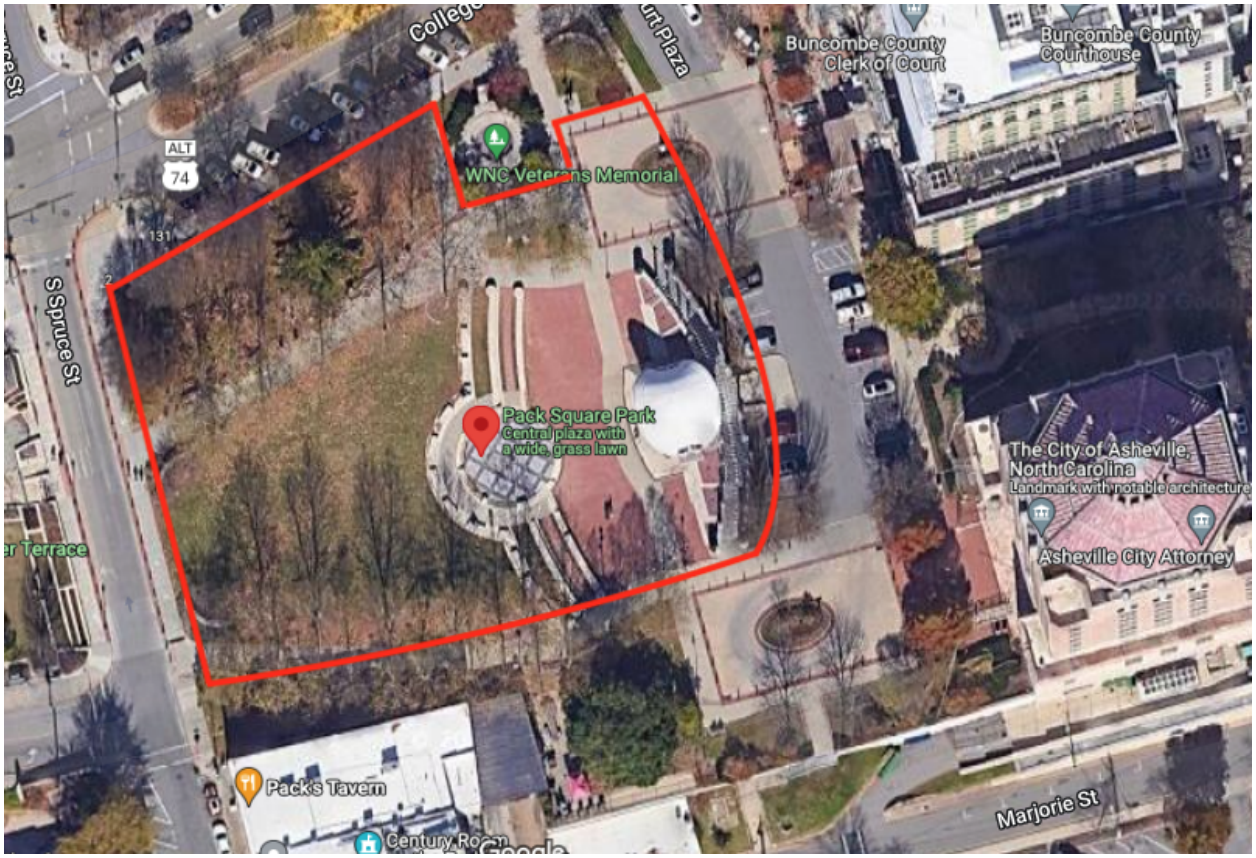
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A


Buncombe County Clerk of Court
Buncombe County Courthouse
WNC Veterans Memorial
S Spruce St
Pack Square Park
Central plaza with a wide, grass lawn
The City of Asheville, North Carolina
Landmark with notable architecture
Asheville City Attorney
Pack's Tavern
Marjorie St
Alcohol Area