THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: July 26, 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 City Soccer Club Playoff Game, AIA Asheville Summer BBQ, Goombay, Asheville Oktoberfest, The Block Party Presented by Looking Glass Realty, and the Wicked Halloween 5K & Fun Run.

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 Buncombe Adult Soccer Association for the Asheville City Soccer Club Playoff Game to occur at Memorial Stadium on Saturday, August 6, 2022, from 4:00 p.m. - 10:00 p.m.
    - AIA Asheville for the AIA Asheville Summer BBQ, to occur at Carrier Park on Thursday, August 25, 2022, from 5:30 p.m. - 7:30 p.m.
    - YMI Cultural Center for Goombay, to occur at Pack Square Park on Friday, September 2, 2022, from 5:00 p.m. - 10:00 p.m., Saturday, September 3, 2022, from 10:00 a.m. - 10:00 p.m. and Sunday, September 4, 2022, from 10:00 a.m. - 6:00 p.m.
    - Asheville Downtown Association for Asheville Oktoberfest, to occur at Pack Square Park on Saturday, October 1, 2022, from 2:00 p.m. - 6:00 p.m.
    - The Pisgah Conservancy for The Block Party Presented by Looking Glass Realty, to occur on S. Liberty Street on Saturday, October 1, 2022, from 2:00 p.m. - 7:00 p.m.
    - Asheville Humane Society for the Wicked Halloween 5K and Fun Run to occur at Carrier Park on Saturday, October 22, 2022, from 10:00 a.m. - 1:00 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 the Asheville City Soccer Club Playoff Game, AIA Asheville Summer BBQ, Goombay, Asheville Oktoberfest, The Block Party Presented by Looking Glass Realty, and the Wicked Halloween 5K & Fun Run

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 THE ASHEVILLE CITY SOCCER CLUB PLAYOFF GAME ON THE DATE OF SATURDAY, AUGUST 6, 2022, 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 the Asheville City Soccer Club Playoff Game.

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 City Soccer Club Playoff Game event area, as set forth in Exhibit A, attached.

2. The Asheville City Soccer Club Playoff Game event area is within the boundaries of Memorial Stadium located at 32 Buchanan 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 Asheville City Soccer Club Playoff Game on Saturday, August 6, 2022, 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 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 City Soccer Club Playoff Game 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 City Soccer Club Playoff Game 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 Asheville City Soccer Club Playoff Game, 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 26th day of July 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 AIA ASHEVILLE SUMMER BBQ ON THE DATE OF THURSDAY, AUGUST 25, 2022, 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 Asheville Summer BBQ.

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

2. The AIA Asheville Summer BBQ event area is within the boundaries and immediate surrounding area of the Carrier Park Picnic Shelter 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 the AIA Asheville Summer BBQ on Thursday, August 25, 2022, from 5:30 p.m. – 7:30 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 AIA Asheville 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

Asheville 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 Asheville 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 26th day of July 2022.

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City Clerk Mayor

Approved as to form:

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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 GOOMBAY ON THE DATES OF FRIDAY, SEPTEMBER 2, 2022, FROM 5:00 PM – 10:00 PM, SATURDAY, SEPTEMBER 3, 2022, FROM 10:00 AM - 10:00 PM, AND SUNDAY, SEPTEMBER 4, 2022 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 Goombay.

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 Goombay event area, as set forth in Exhibit A, attached.

2. The Goombay 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 Goombay on Friday, September 2, 2022, from 5:00 p.m. - 10:00 p.m., Saturday, September 3, 2022, from 10:00 a.m. - 10:00 p.m. and Sunday, September 4, 2022, from 10:00 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 Goombay 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 Goombay 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 Goombay, 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 26th day of July 2022.

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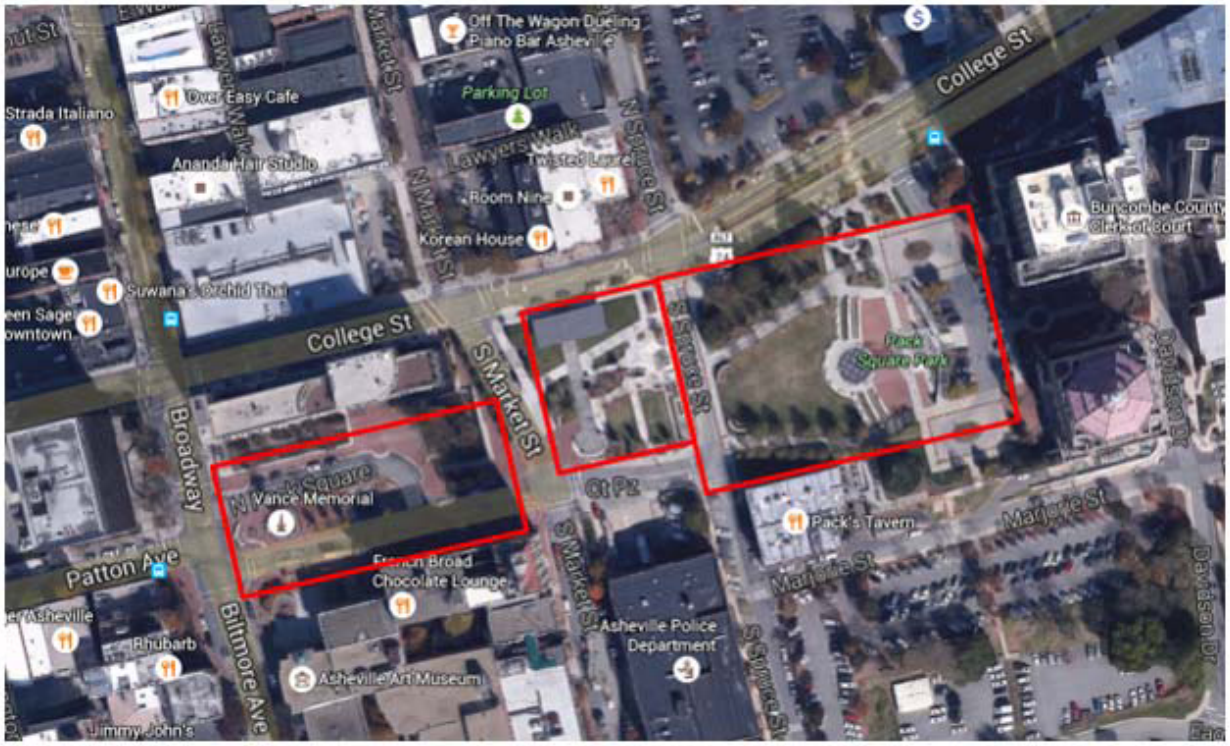
City Clerk Mayor

Approved as to form:

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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 ASHEVILLE OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 1, 2022, FROM 2:00 PM - 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 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 Asheville 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 Asheville Oktoberfest event area, as set forth in Exhibit A, attached.

2. The Asheville Oktoberfest event area is within the boundaries of the Roger McGuire Green and Court Plaza 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 Asheville Oktoberfest event on Saturday, October 1, 2022, from 2:00 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 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 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 Asheville 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 Asheville 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 26th day of July 2022.

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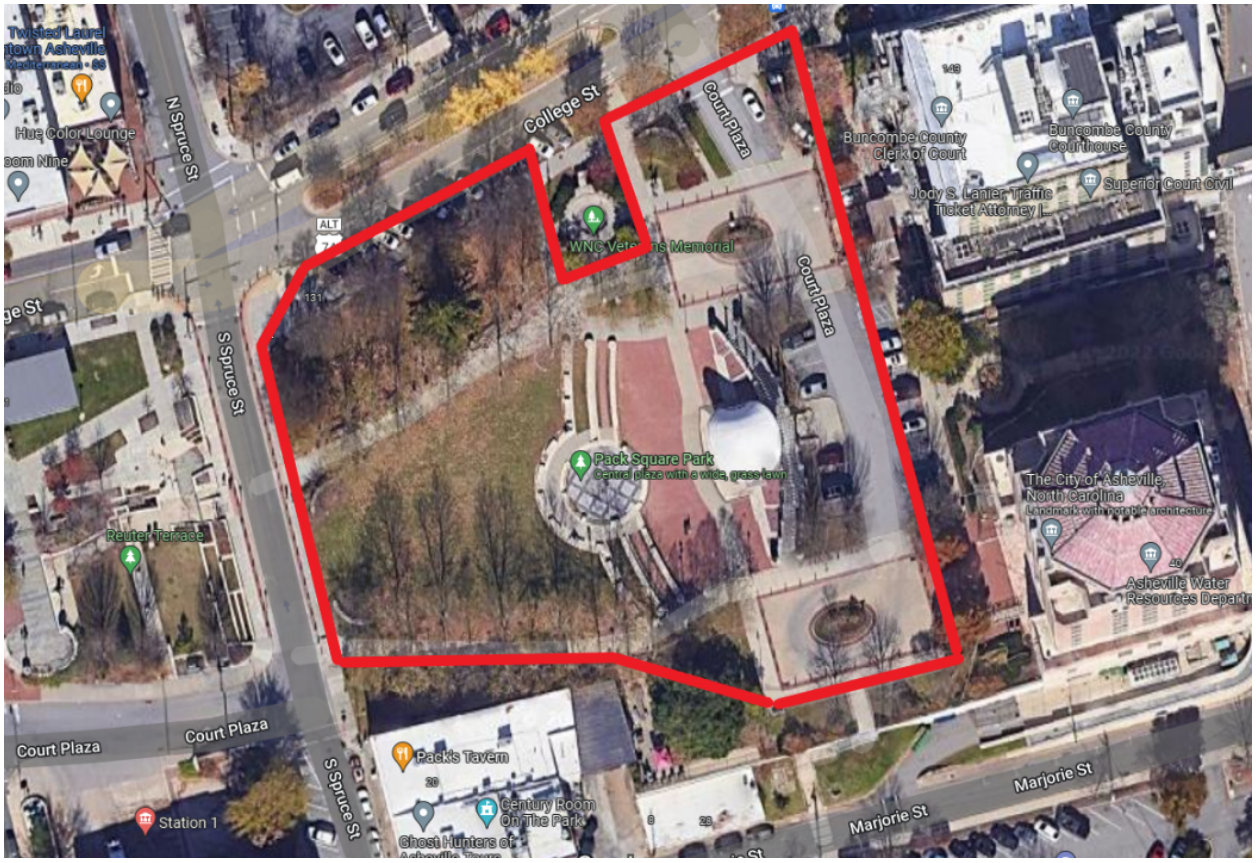
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A


College St
Court Plaza
N Spruce St
S Spruce St
Hue Color Lounge
Buncombe County Clerk of Court
Buncombe County Courthouse
Jody S. Lanier Traffic Ticket Attorney |...
Superior Court Civil
WNC Veterans Memorial
Pack Square Park
Central plaza with a wide, grass lawn
The City of Asheville, North Carolina
Landmark with neoclassical architecture
Asheville Water Resources Depart
Reuter Terrace
Court Plaza
Packs Tavern
Century Room On The Park
Ghost Hunters of
Station 1
Marjorie St
Alcohol Area

RESOLUTION NO. 22- _____

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, OCTOBER 1, 2022, 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, October 1, 2022, 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 26th day of July 2022.

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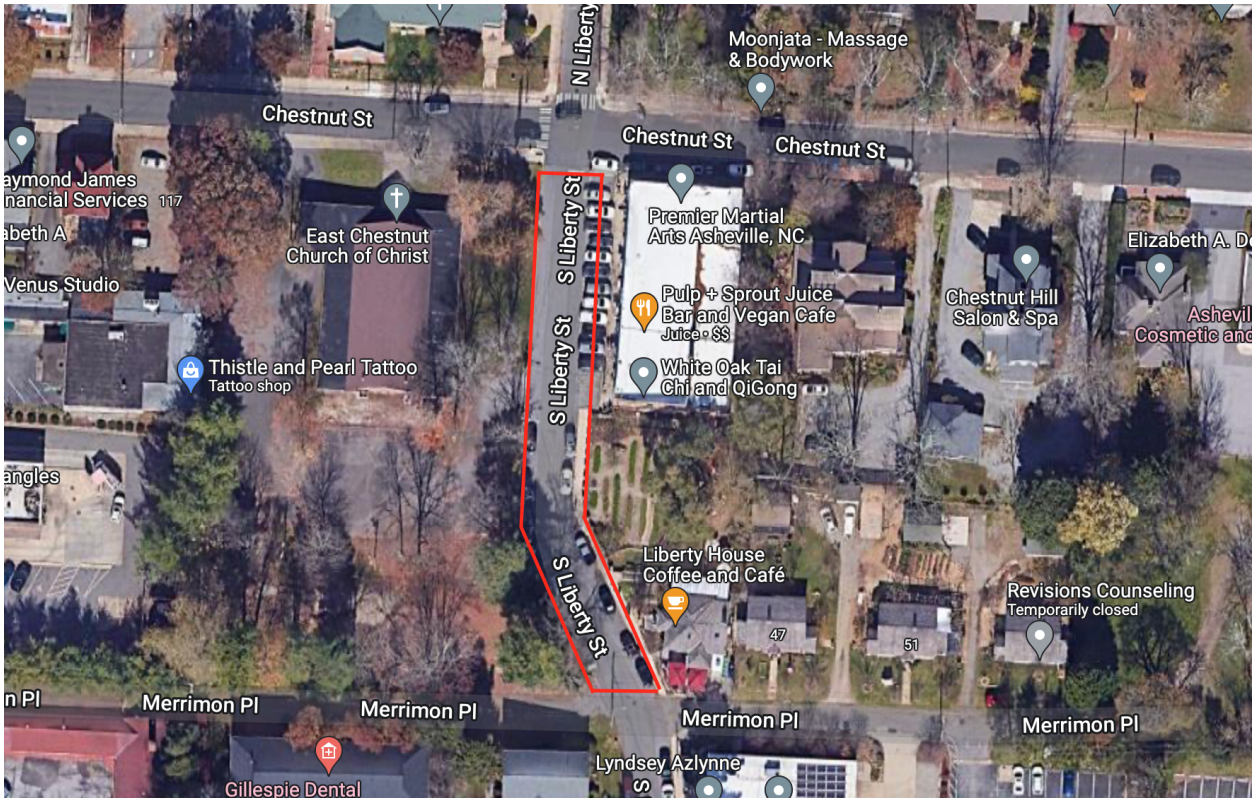
City Clerk Mayor

Approved as to form:

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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 WICKED HALLOWEEN 5K AND FUN RUN ON THE DATE OF SATURDAY, OCTOBER 22, 2022, FROM 10:00 AM - 1:00 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 Wicked Halloween 5K and Fun Run.

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 Wicked Halloween 5K and Fun Run event area, as set forth in Exhibit A, attached.

2. The Wicked Halloween 5K and Fun Run 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 the Wicked Halloween 5K and Fun Run event on Saturday, October 22, 2022, from 10:00 a.m. - 1:00 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 Wicked Halloween 5K and Fun Run 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

Wicked Halloween 5K and Fun Run 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 Wicked Halloween 5K and Fun Run, 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 26th day of July 2022.

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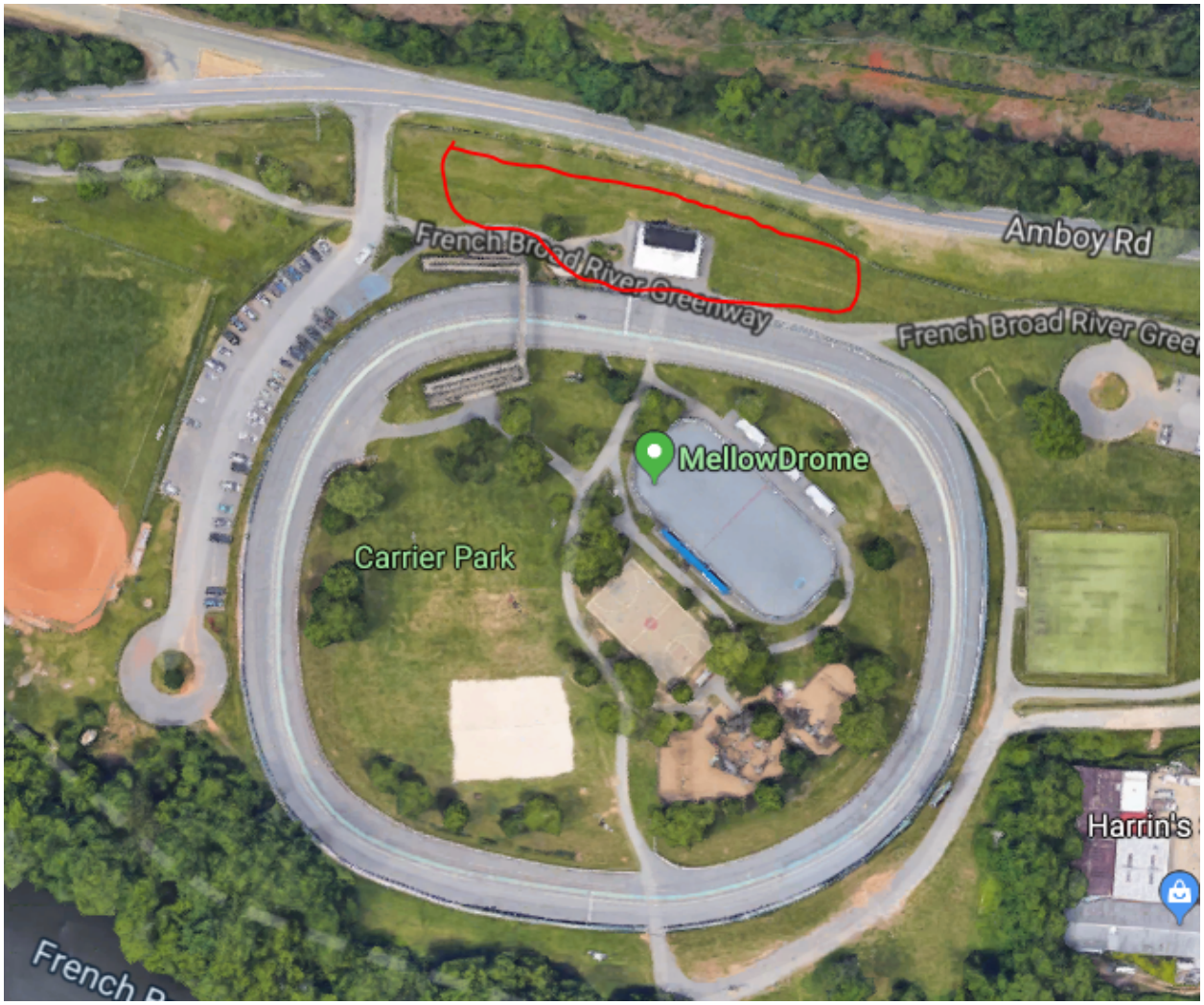
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area