THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: May 24, 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 Grindfest, Juneteenth Celebration, and Asheville Half Marathon & 10K.

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:
    - Black Wall Street AVL for Grindfest to occur at 81 Riverside Drive on May 28 and 30, 2022, from 9:00 a.m. - 9:00 p.m., and May 29, 2022, from 10:00 a.m. - 9:00 p.m.
    - YMI Cultural Center for the Juneteenth Celebration, to occur at Pack Square Park on June 18, 2022, from 10:00 a.m. - 10:00 p.m.
    - Asheville Running Collective for Asheville Half Marathon & 10K, to occur at Pack Square Park on August 27, 2022, from 7:00 a.m - 11:30 a.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 Grindfest, Juneteenth Celebration, and Asheville Half Marathon & 10K.

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 GRINDFEST ON THE DATES OF MAY 28 & 30, 2022, FROM 9:00 AM – 9:00 PM AND MAY 29, 2022 FROM 10:00 AM - 9:00 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 28 and 30, 2022, from 9:00 a.m. – 9:00 p.m. and May 29, 2022, from 10:00 a.m. - 9:00 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 24th day of May 2022.

_____ _____

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 JUNETEENTH CELEBRATION ON THE DATE OF SATURDAY, JUNE 18, 2022, FROM 10:00 AM – 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 Juneteenth Celebration.

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 Juneteenth Celebration event area, as set forth in Exhibit A, attached.

   The Juneteenth Celebration 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.

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 Juneteenth Celebration on Saturday, June 18, 2022, from 10:00 a.m. – 10:00 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 Juneteenth 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 Juneteenth 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.

5. The location of the Juneteenth 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 24th day of May 2022.

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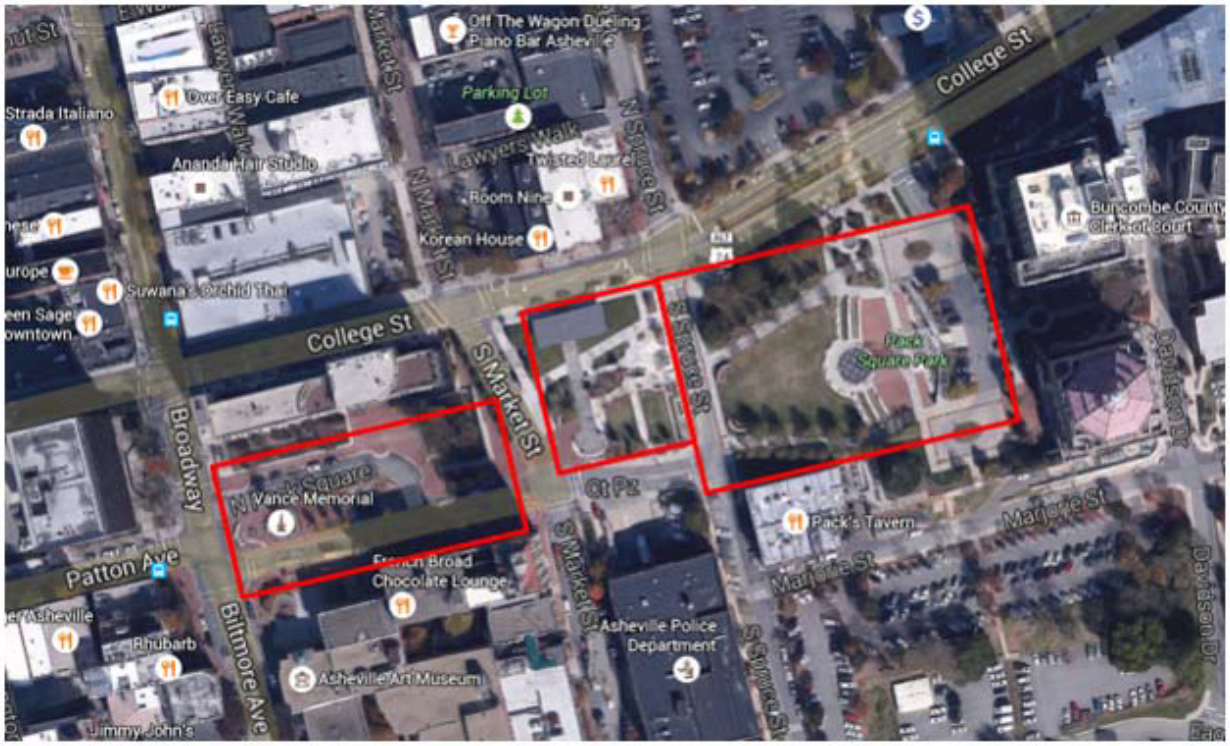
City Clerk Mayor

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 ASHEVILLE HALF MARATHON & 10K ON THE DATE OF SATURDAY, AUGUST 27, 2022 FROM 7:00 AM - 11:30 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 Asheville Half Marathon & 10K.

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 Half Marathon & 10K event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon & 10K event area is within the boundaries of the Roger McGuire Green and Court Plaza in Pack Square Park.

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 Asheville Half Marathon & 10K event on Saturday, August 27, 2022, from 7:00 a.m. - 11:30 a.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 Asheville Half Marathon & 10K 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 Half

Marathon & 10K 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 Asheville Half Marathon & 10K, 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 May 2022.

_____ _____

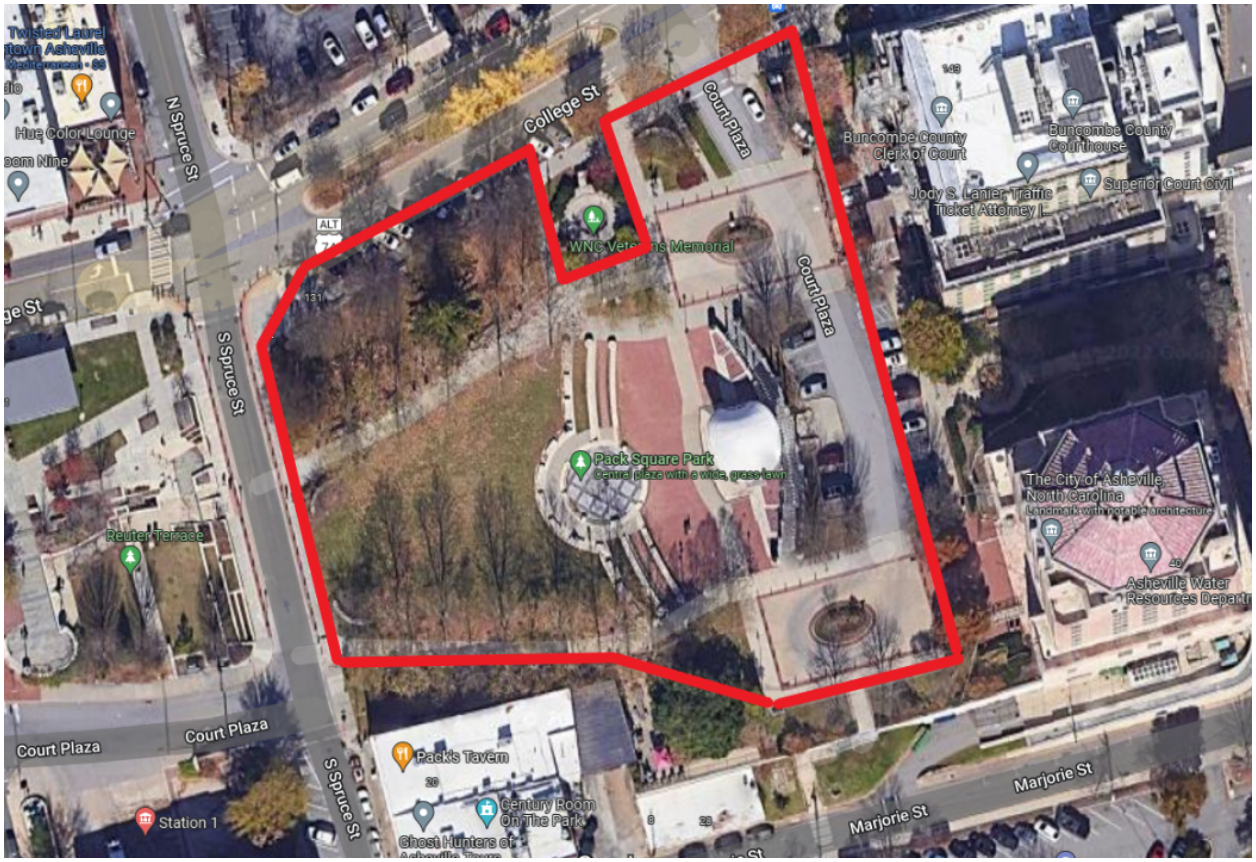
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A


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