THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 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 Games, Community Concert, and Hola Asheville.

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 Games, to occur at Memorial Stadium on May 6, 20, 30, 2022, June 6, 8, 11, 13, 21, 24, 27, 2022, July 6, 9, 11, 22, 24, 2022 from 4:00 p.m. - 10:00 p.m.
    - Asheville Downtown Association for the Community Concert, to occur at Pack Square Park on May 7, 2022, from 5:00 p.m. - 9:30 p.m.
    - Hola Carolina for Hola Asheville, to occur at Pack Square Park on June 11, 2022, from 11:00 a.m - 7:00 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 Games, Community Concert, and Hola Asheville.

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 GAMES ON THE DATES OF MAY 6, 20, 30, 2022, JUNE 6, 8, 11, 13, 21, 24, 27, 2022 AND JULY 6, 9, 11, 22, 24, 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 Games.

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

   The Asheville City Soccer Club Games event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place.

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 City Soccer Club Games on May 6, 20, 30, 2022, June 6, 8, 11, 13, 21, 24, 27, 2022 and July 6, 9, 11, 22, 24, 2022, from 4:00 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 Asheville City Soccer Club Games 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 Games 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 City Soccer Club Games, 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 April 2022.

_____ _____

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 COMMUNITY CONCERT ON THE DATE OF SATURDAY, MAY 7, 2022, 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 the Community Concert.

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 Community Concert event area, as set forth in Exhibit A, attached.

   The Community Concert event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, including Spruce Street between the intersections of College Street and Court Plaza.

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 Community Concert on Saturday, May 7, 2022, from 5:00 p.m. – 9:30 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 Community Concert 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 Community Concert 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 Community Concert, 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 April 2022.

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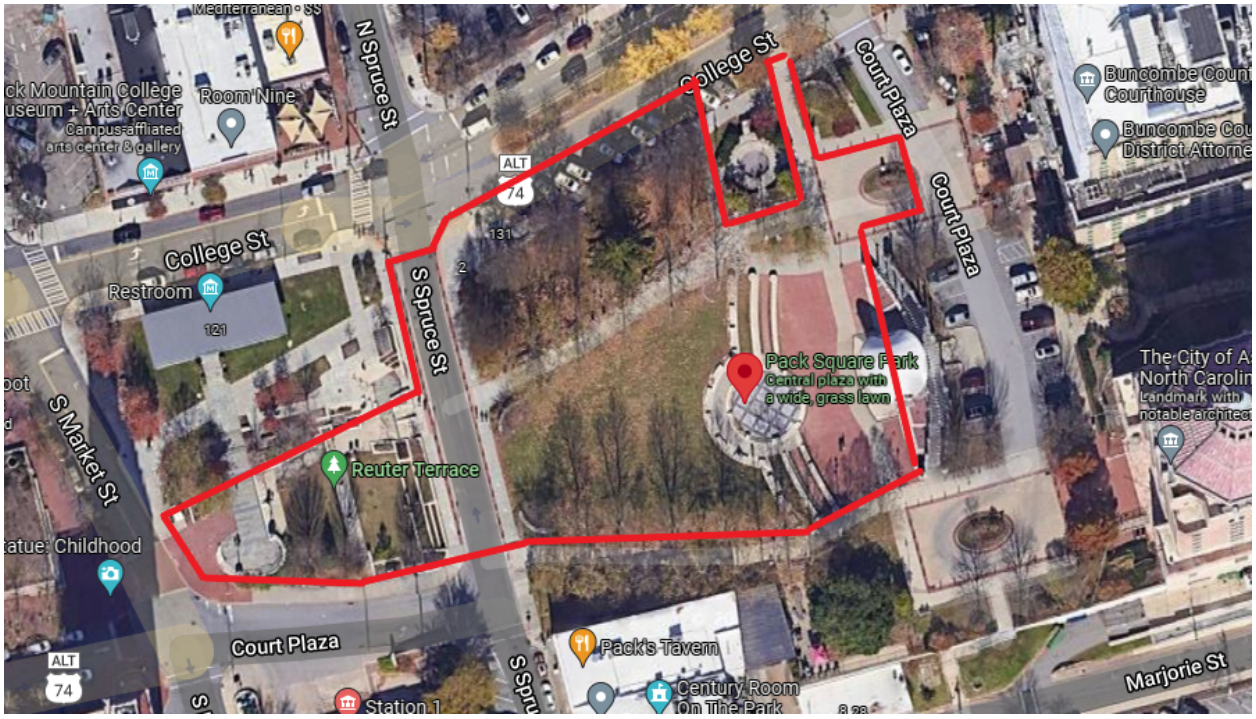
City Clerk Mayor

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 HOLA ASHEVILLE ON THE DATE OF SATURDAY, JUNE 11, 2022 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 in Pack Square Park including Court Plaza.

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 Hola Asheville event on Saturday, June 11, 2022, 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 the 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 26th day of April 2022.

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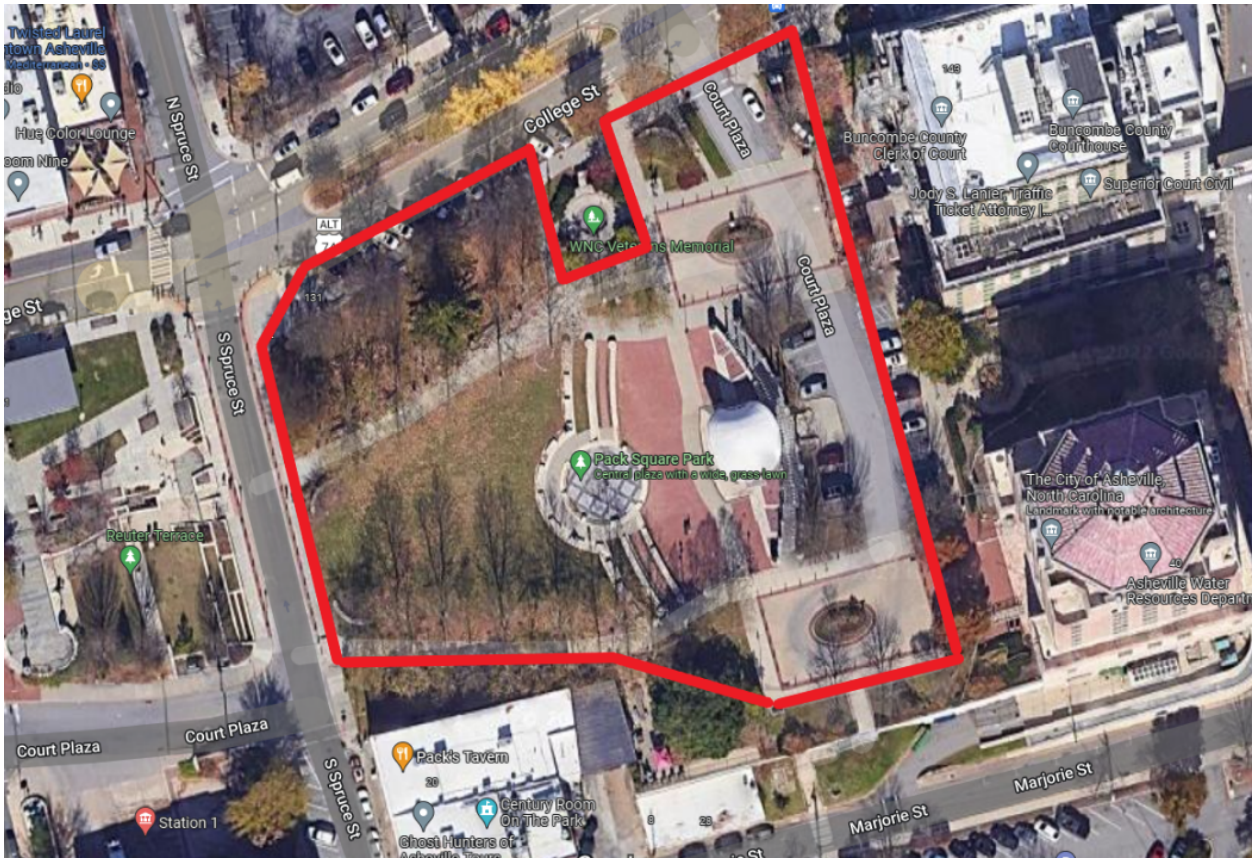
City Clerk Mayor

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