THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: September 14, 2021

Subject: Permission for the Possession and Consumption of Malt Beverages and/or Unfortified Wine at Outdoor Special Events

Staff Resource(s): Nikki Reid, Community & Economic Development Interim Director
Jon Fillman, Community Event Manager

Action Requested: Adoption of resolution to permit the possession and consumption of malt beverages and/or unfortified wine at Symphony in the Park on September 19-20, 2021

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 organization has requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
    - Asheville Symphony Society for Symphony in the Park, to occur at Pack Square Park on September 19 & 20, 2021 from 6:00 p.m. - 9:00 p.m.
- On August 24, 2021, City Council adopted Resolution No. 21-179, allowing this event to provide malt beverages and/or unfortified wine; however, they have requested an amendment to their hours.
- Alcohol boundaries are defined as per the accompanying event site map.

Council Goal(s):

- This action has 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 Symphony in the Park.

Attachment(s)

- Resolution with Site Map

RESOLUTION NO. 21- _____

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SYMPHONY IN THE PARK ON THE DATES OF SEPTEMBER 19 AND 20, 2021, FROM 6:00 PM – 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 Symphony in the Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

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 within the Symphony in the Park event area, as set forth in Exhibit A, attached.

   The Symphony in the Park event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

5. 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 Symphony in the Park on Sunday, September 19 and Monday, September 20, 2021, from 6:00 p.m. – 9 p.m.

6. 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 Symphony in the Park 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 Symphony in the Park 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.

7. The location of the Symphony in the Park, 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 14th day of September, 2021.

_____ _____

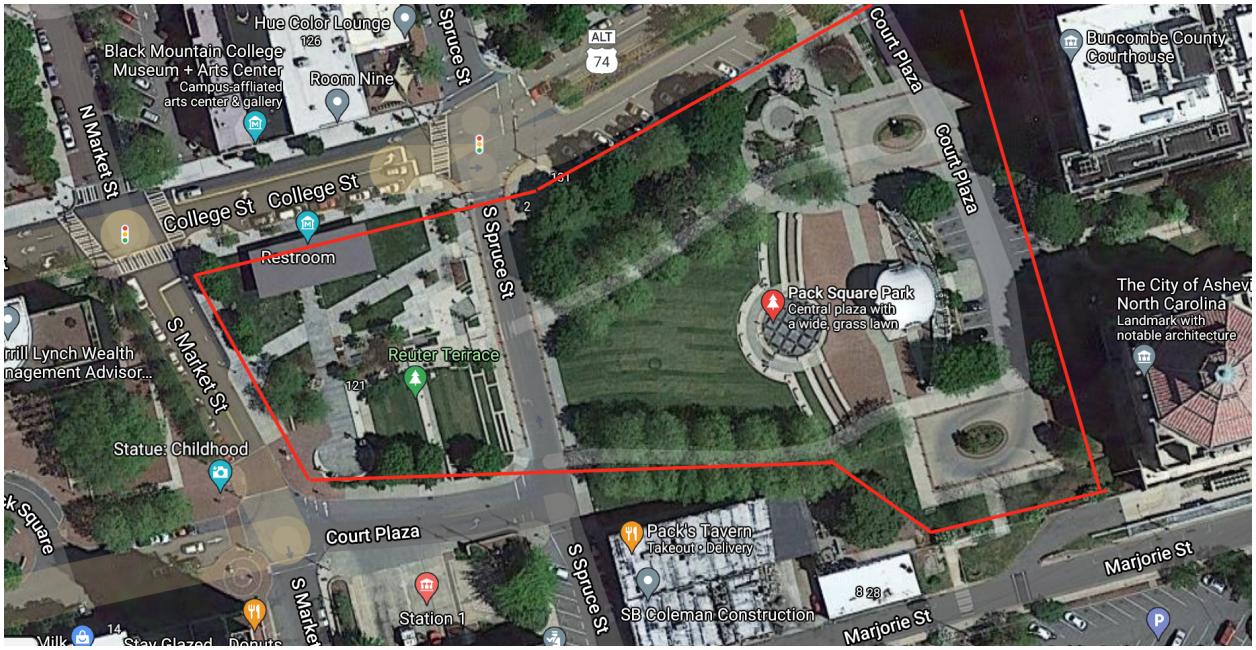
City Clerk Mayor

Approved as to form:

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City Attorney

EXHIBIT A



Alcohol Area