

City of Fayetteville Staff Review Form

2017-0751

Legistar File ID

1/2/2018

**City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item**

John Crow

12/14/2017

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends City Council approval to amend § 97.081 Intoxicating Beverages to allow the Mayor or the Mayor's designee to issue permits allowing the temporary possession, sale and consumption of alcoholic beverages in City parks for special events.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>NA</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 97.081

Original Contract Number: _____

Approval Date: _____

Comments:



MEETING OF JANUARY 2, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: John Crow, Recreation Superintendent

DATE: December 12, 2017

SUBJECT: Amendment to § 97.081 Intoxicating Beverages to allow alcohol in the parks for special events

RECOMMENDATION:

Staff recommends City Council approval to amend § 97.081 Intoxicating Beverages to allow the Mayor or the Mayor's designee to issue permits allowing the temporary possession, sale and consumption of alcoholic beverages in City parks for special events.

BACKGROUND:

The Parks and Recreation Department was recently approached by The Homegrown Music and Sports Festival regarding moving the event to the Kessler Mountain Regional Park. Beer and wine sales are a vital component to the success of this event. At this time, however, city ordinance prohibits alcoholic beverages in City parks with the exception of the Botanical Garden Society of the Ozarks where it is allowable to serve alcoholic beverages on the premises they lease from the City in the Lake Fayetteville area for special events and weddings. Staff had originally proposed for City Council to approve a one-time waiver to the prohibition of alcoholic beverages in the parks for the Homegrown Festival. After discussion and advisement from the City Attorney, staff is proposing an amendment to the § 97.081 that would allow the Mayor or his designee to issue permits to approved special events to allow the temporary possession, sale and consumption of alcoholic beverages in City parks.

Staff has done extensive research into practices and ordinances of other municipalities in Arkansas and some out of state. The City of Little Rock allows alcoholic beverages in the parks except for those with "Little League" or youth sports taking place. The City of North Little Rock prohibits alcoholic beverages in city parks unless authorized by the parks and recreation commission which is done on a case by case basis. The City of Fort Smith allows alcoholic beverages in specifically named parks by permit only which is approved by the chief of police. Boulder, Colorado and Boise, Idaho have similar policies, naming the specific parks that alcoholic beverages are permitted for approved special events. Lawrence, Kansas allows alcoholic beverages in the parks only during approved events and only by permit approved and issued by the Parks and Recreation Department.

DISCUSSION:

Parks and Recreation staff have discussed, for quite some time now, the potential benefit of selling or serving alcoholic beverages at various special events held in City parks. Participants have given feedback of their desire to have it at the Race Series events. Revenue impacts can be significant through sponsorships and sales. The overall experience for the participant can be enhanced with the addition of alcoholic beverages for many events held in City parks. Staff has also recognized that the sale, possession, or consumption of alcoholic beverages is vital to the success of certain special events.

Staff is not only committed to providing the best overall experience to attendees or participants of events in City parks, we also consider safety the highest priority. City staff will ensure that any special events proposing to sell, provide, or allow alcoholic beverages taking place in City parks must comply with all City of Fayetteville policies and ordinances, as well as requirements of the Arkansas Alcoholic Beverage Control Division. Appropriate conduct of participants or attendees of the events will still be expected as it is now. They must also comply with any conditions necessary to ensure public safety and the protection of City property. City staff will require a comprehensive risk management plan from those requesting a permit that will include a security plan, a safety plan, and an identification process that will ensure only those legally allowed to consume alcoholic beverages do so at their event. Any special event requesting the possession, sale or consumptions of alcoholic beverages in the park will also be required to complete the City-wide Event Permit, ensuring that the police, fire and transportation departments will review the application with the Mayor's office as the final approver.

The Parks and Recreation Advisory Board called a special meeting on December 13, 2017 to review and discuss the proposed amendments to this ordinance. They unanimously voted 7-0 in recommending to City Council to approve amending § 97.081 Intoxicating Beverages to allow for the Mayor or the Mayor's designee to issue permits allowing the temporary possession, sale and consumption of alcoholic beverages in City parks for special events.

BUDGET/STAFF IMPACT:

Budget impact would be the permit fees required for the special events. Some of the special events may impact HMR tax revenues.

Attachments:

Parks and Recreation Advisory Board Meeting Minutes December 13, 2017
Ordinance amending § 97.081 Intoxicating Beverages



Parks and Recreation Advisory Board

Special Meeting on December 13, 2017

5:30 pm

City Administration Building Room 326

113 West Mountain Street

Members: Richie Lamb, chair; Phillip McKnight, co-chair Wade Colwell; JL Jennings, Chuck Maxwell, Kyle McHan, David Proffitt, Bill Putman, Dana Smith

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; John Crow, Recreation Superintendent; Ted Jack, Planning Superintendent, Ken Eastin, Park Planner, Chanel Pennington, Operations Assistant

1. **Call to Order:** Richie Lamb called the meeting to order at 5:30 pm.
2. **In Attendance:** Lamb, McKnight, Colwell, Jennings, Maxwell, Putman, and Smith.
Absent: Proffitt and McHan.
Staff: Edmonston, Humphry, Crow, Jack, Eastin, and Pennington.
3. **Ordinance to amend Chapter 97.081 Intoxicating Beverages in the Parks and Recreation Code to allow the Mayor or designee to authorize the consumption, possession and sale of alcoholic beverages in City Parks during special events – Connie Edmonston, Parks and Recreation Director**

Edmonston recalled the Homegrown Festival proposal at the December 4th Parks and Recreation Advisory Board meeting regarding the request to allow alcohol at this event. PRAB approved the festival and to allow alcohol to be served which would be an amendment to the current City Ordinance for this event. After discussions with the City Attorney, it was determined it would be the best interest to request an amendment to the alcohol ordinance instead of a one-time waiver of the ordinance. Parks Staff has been considering to allow alcohol at special events such as their Race Series and other possible fund raising events for parks. She noted the following points:

- a. The Mayor or his designee may issue permits allowing the temporary possession, sale and consumption of alcoholic beverages in City park for special events if the event sponsors fully comply with all Alcoholic Beverage Control requirements.
- b. This is not a day to day grantee, this is only for special events and organizers must abide by the Alcoholic Beverage and Control requirements and the City of Fayetteville requirements outlined in the City Special Event Permit and the Parks and Recreation Special Event Permit.
- c. The well-being of the parks and patrons are always the priority.

Crow presented staff research, he discussed the following:

- a. In North Little Rock, it is unlawful to provide alcohol unless you have a special permit from the Parks Commission, which are granted on a case by case basis.

- b. In Little Rock, alcohol consumption is allowed in parks but is not permitted near youth sports.
- c. Fort Smith has prohibited alcohol in the parks with exception to large venues for special events.
- d. Boise, ID will only allow beer and wine by permit only. A temporary permit is granted on a case by case basis for special events in certain parks.
- e. Boulder, Co permits alcohol by permit in certain parks only.
- f. Lawrence, KS will only allow alcohol during approved events at Parks and Recreation facilities that are operated by the department or a sponsor. These are granted on a case by case basis and must follow ABC requirements.

Jennings asked if there will be a criteria process for granting the permits.

Edmonston replied yes, they will have a special form to complete and will have to go through the city permitting process as well that involves the Police, Fire, Transportation, Traffic and Parking.

Colwell noted he had concern of the Mayor, or one person being able to approve or deny the permits.

Maxwell asked about the size of the events.

Edmonston approval will depends on where they would like to hold the event and if the facility at the park can accommodate the event. They will need to a have security and a risk management plan in place.

Putman asked if there would be fees associated with the permits.

Edmonston replied yes, due to the staff time it will take with the review process.

Maxwell asked if other cities allow alcohol during city programs.

Crow said he did not recall it being allowed during programs. It would only be allowed during approved special events.

McKnight expressed his encouragement if it goes through the proper safety precautions and vetting process.

Lamb said the thinks it is appropriate that the Mayor, or his designee, could approve the events. He noted that this is a starting point to test the waters, on a case by case basis, and see what will work and what will not work. Future amendments may be needed in the future.

PRAB Motion: Lamb made a motion to accept staff recommendation and approve the amendment to the alcoholic ordinance as stated. McKnight seconded the motion, Motion passed, 7-0-0.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 97.081 **INTOXICATING BEVERAGES** IN CHAPTER 97: PARKS AND RECREATION OF THE FAYETTEVILLE CODE TO ALLOW THE MAYOR OR THE MAYOR’S DESIGNEE TO AUTHORIZE THE CONSUMPTION, POSSESSION AND SALE OF ALCOHOLIC BEVERAGES IN CITY PARKS DURING SPECIAL EVENTS

WHEREAS, § 97.081 of the Fayetteville City Code currently prevents the possession and consumption of alcoholic beverages within city parks, except that the Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area; and

WHEREAS, special events increase the economic and social potential of the city, and the City recognizes that the possession, sale and consumption of alcoholic beverages is inherent to the viability of certain events; and

WHEREAS, the City desires to ensure the success of the many diverse special events held in the City, including those that are held or could be held in city parks, and permitting the limited and temporary consumption, possession and sale of alcohol at certain special events will further that objective; and

WHEREAS, the City will continue to consider the safety of park visitors and event participants as its highest priority and will require permit holders to provide all necessary measures to ensure the safety of all park visitors and event participants, including complying with all City of Fayetteville ordinances and rules and regulations of the Arkansas Alcoholic Beverage Control Division.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 97.081 **Intoxicating Beverages** by repealing subsection (B) and enacting a new subsection (B) as follows:

“(B) Notwithstanding the above prohibition:

- (1) The Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area for fundraisers, wedding receptions and other special events as long as they fully comply with all Alcoholic Beverage Control requirements.
- (2) The Mayor or the Mayor’s designee may issue a permit allowing the temporary possession, sale and consumption of alcoholic beverages in City parks for special events as long as the event sponsors fully comply with all Alcoholic Beverage Control requirements. The permit may include any conditions necessary to ensure public safety and the protection of City property.”

PASSED and **APPROVED** this _____ day of January, 2018.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer