

ITEM #: 19
DATE: 4-28-09

COUNCIL ACTION FORM

SUBJECT: AMES JAYCEES' REQUEST TO OBTAIN A LIQUOR LICENSE FOR BEER AND WINE TO BE DISPENSED AT BANDSHELL PARK ON EIGHT FRIDAYS AND JULY 4TH DURING THE SUMMER OF 2009

BACKGROUND:

At their March 26, 2009 Parks and Recreation Commission meeting, Commissioners unanimously approved the Ames Jaycees utilization of Bandshell Park and the Durham Bandshell on Friday evenings between the hours of 5:00 and 8:00 PM, from June 5 and July 31. Since July 4th is on Saturday in 2009, the Jaycees will not host an event on Friday, July 3, but will partner with the Main Street Cultural District and offer other activities between the hours of 9:00 AM and 6:00 PM on the 4th. The Jaycees will pay the City approximately \$2,700 for renting the Bandshell for these nine events (including the July 4th event).

The Commission's action required that the Jaycees obtain a liquor license from the City Council, whereby allowing beer and wine to be consumed in a public place, Bandshell Park. It should be noted that City ordinance (Section 17.7) prohibits consumption of alcoholic beverages in public places. This restriction includes parks since they are considered public places. The ordinance has two exceptions as follows:

1. The ordinance allows for consumption of beer or wine from single serving bottles or cans in Moore Memorial, North and South River Valley, Inis Grove, and Emma McCarthy Lee Parks. Under this exception, keg beer may also be permitted in these parks if the Parks and Recreation Commission grants approval.
2. The limitations on alcoholic beverages reflected in the ordinance do not apply in any public place, if a valid liquor license is obtained.

In this situation, the Jaycees desire to locate their event at Bandshell Park and dispense bottled beer and wine coolers. Therefore, this request falls under the second exception and can be allowed if the City Council grants a liquor license.

The Jaycees sponsored similar events at this location during the summers of 2003, 2004, 2007 and 2008. Following the 2007 season, staff completed a survey of the surrounding neighborhood to gain feedback concerning the Jaycees event. Of the 87 letters mailed-out, sixteen were returned. Of those returned, only three objected, they expressed concern with illegal parking, alcohol being allowed at this park, and the noise level of the overall event.

Each year, Parks and Recreation administrative staff attends the event. Staff has consistently been impressed with the level of organization that the Jaycees provide and that the event draws people of all ages. The Police Department did not receive any phone calls or complaints concerning the event in 2007 or 2008. They also reported that the event is well managed and that the size of the crowd and related parking issues are comparable to Thursday evening Municipal Band concerts.

ALTERNATIVES:

1. Approve a liquor license for the Ames Jaycees at Bandshell Park for an event to be held on eight Fridays between June 5 and July 31, 2009 for the hours of 5:00 to 8:00 PM; and 1:00 to 5:00 PM on July 4th.
2. Deny the Jaycees request to obtain a liquor license for an event to be held on eight Fridays between June 5 and July 31, 2009 for the hours of 5:00 to 8:00 PM; and 1:00 to 5:00 PM on July 4th.

CITY MANAGER'S RECOMMENDED ACTION:

Upon receiving requests to utilize City facilities, staff strives to take into account the pros and cons that the activity will have on the group making the request, the adjacent property owners, and the community-at-large. Though some residents may voice similar concerns of those expressed in 2007, upon reviewing the overall positive comments from the neighborhood, along with Parks and Recreation administrative staff and the Ames Police Department's feedback, the City Manager concurs with the Commission's evaluation of the appropriateness of this event occurring at Bandshell Park.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving a liquor license to the Ames Jaycees for their event to be held at Bandshell Park during the spring/summer of 2009.