

ITEM # 30a

DATE: 05-11-21

### COUNCIL ACTION FORM

**SUBJECT: REQUEST TO WAIVE ENFORCEMENT OF PROHIBITION OF ALCOHOL CONSUMPTION IN BANDSHELL PARK FOR AMES ON THE HALF SHELL**

#### **BACKGROUND:**

In 2003, the Ames Jaycees hosted the first-ever Ames on the Half Shell at Bandshell Park. This event was established to raise money for the Durham Bandshell restoration while introducing an evening summer concert series in Ames. The event includes a live band with concession sales (food, beer, wine coolers, and soft drinks). The event did not take place in 2020 due to the COVID-19 pandemic. In the past, the event has been held on Friday evenings in June. **This year the Jaycees have decided to hold the event in July to allow more time for COVID-19 vaccinations. Thus, Ames on the Half Shell will be held on four Friday evenings July 9 – 30.** The band will play between the hours of 5:00 PM and 8:30 PM. **Again this year, the Ames Jaycees are requesting their group be allowed to sell alcohol (beer and wine coolers) at Bandshell Park during this event.**

The request asks for alcohol to be served between the hours of 5:00 PM and 8:00 PM and consumed at ground level within the fenced in area no later than 9:00 PM or the removal of the temporary fencing, whichever comes first. The Jaycees are required to obtain a State liquor license and dram shop insurance to assure compliance with local and State liquor laws. According to the Jaycees, the sale of alcohol is what allows them to raise money that is given directly back to the community through their projects.

With all the concerns related to COVID-19, the Jaycees will be adhering to protocols recommended by the Centers for Disease Control (CDC) as well as local, state, and federal guidelines. The Jaycees understand it may not be able to host the event at the park if the City of Ames, State of Iowa, or the federal government prohibit these types of events from taking place to prevent the spread of COVID-19.

The Parks and Recreation Commission reviewed this request at its March 25, 2021 meeting and recommended that City Council grant this waiver for Ames on the Half Shell on Fridays, July 9 – 30.

#### **ALTERNATIVES:**

1. City Council can:
  - a. Waive enforcement of Section 17.17 of Municipal Code from 5:00 PM to 9:00 PM on Fridays, July 9 – 30, to allow consumption of alcohol for the Ames on the Half Shell events at Bandshell Park.

- b. Approve 6-month Class B Beer Permit with Outdoor Service to sell alcohol from 5:00 PM until 8:00 PM at the Ames on the Half Shell events at Bandshell Park, **pending Dram Shop Insurance**.

***It should be noted that this alternative is contingent on no restrictions being in place that would prevent this event from happening (e.g. Governor's proclamations, City mandates, etc.).***

2. Deny the Ames Jaycee's request and do not allow the consumption of alcohol at the park.
3. Refer back to staff.

**CITY MANAGER'S RECOMMENDED ACTION:**

The Jaycees have been hosting this event at Bandshell Park for 17 years. Each year, Parks and Recreation Administrative staff attends the event. Staff has consistently been impressed with the level of organization the Jaycees provide and that the event draws people of all ages. The Police Department receives very few phone calls or complaints concerning the event. Having the ability to sell alcohol allows the Jaycees to generate funds for community betterment projects, which includes Parks and Recreation projects.

Considering COVID-19, the Jaycees understand that it may not be able to host the event at the park if the City of Ames, State, or federal government prohibits these types of events to prevent the spread of COVID-19. Therefore, it is the City Manager's recommendation to approve Alternative #1 as stated above.