

ITEM #: 9
DATE: 04-25-23
DEPT: P&R

COUNCIL ACTION FORM

SUBJECT: REQUEST TO ALLOW 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).

Ames on the Half Shell in 2023 will be held on five Friday evenings June 2 – June 30. The band will play between the approximate hours of 5:00 and 8:00 PM, but no later than 8:30 PM. **Again, this year, the Ames Jaycees are requesting that the group be allowed to sell alcohol (beer and wine coolers) at Bandshell Park during this event.**

According to the Jaycees, the sale of alcohol is what allows the group to raise money that is given directly back to the community through its projects. The Jaycees are required to obtain a State liquor license and dram shop insurance to assure compliance with local and State liquor laws. Alcohol would be served between the hours of 5:00 and 8:00 PM and consumed at ground level within a fenced-in area. The alcohol would need to be consumed by 9:00 PM or before the removal of the temporary fencing, whichever comes first.

Municipal Code Section 17.17 prohibits the consumption of alcohol in public places, except premises covered by a valid alcoholic beverage license or certain specific City parks. Bandshell Park is not a location where alcoholic beverages are normally permitted, and therefore a waiver of enforcement of Section 17.17 of Municipal Code is required, along with approval of the alcoholic beverage license necessary to serve the public.

The Parks and Recreation Commission reviewed this request at its March 23, 2023, meeting. The Commission recommended that City Council grant this waiver for Ames on the Half Shell on Fridays, June 2 – June 30.

ALTERNATIVES:

1. City Council can approve:
 - a. A waiver of enforcement of Section 17.17 of Municipal Code from 5:00 PM to 9:00 PM on Fridays, June 2 – June 30, to allow the Ames Jaycees to sell alcohol for Ames on the Half Shell at Bandshell Park.
 - b. An 8-month Class B Beer Permit with Outdoor Service – Ames on the Half Shell, Bandshell Park **pending Dram Shop Insurance**.
2. Deny the 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 19 years. Each year, Parks and Recreation administrative staff observes the event. Staff has been consistently 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. Staff also takes into consideration the overall positive comments from the neighborhood. The ability to sell alcohol allows the Jaycees to fulfill its commitment to community betterment, which includes Parks and Recreation projects.

Therefore, it is the City Manager’s recommendation to approve Alternative #1 A-B as stated above.