

RESOLUTION NO. 08- 161

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, AUGUST 22, 2008 FROM 12:00 PM – 10:00 PM, SATURDAY AUGUST 23, 2008 FROM 12:00 PM – 10:00 PM AND SUNDAY, AUGUST 24, 2008 FROM 1:00 PM – 6:00 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 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; 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 the Goombay Festival.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay Festival event area.
 - a. Eagle Street and on the sidewalks along both sides of Eagle Street between Biltmore Avenue and an extension of the eastern margin of the pavement on the eastern side of Spruce Street.
 - b. South Market Street and on the sidewalks along both sides of South Market Street from an extension of the front building line of the Municipal Building south to an extension of the northern margin of the pavement on the northern side of South Beaumont Street.
 - c. Wilson Alley (also known as Sycamore Street) and the sidewalks on both sides of Wilson Alley, as well as the connecting street sections between

Wilson Alley and South Market Street which surround a triangular park area, and the sidewalks on both sides of those streets, as well as the triangular park area.

- 2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Goombay Festival on Friday, August 22, 2008 from 12:00 PM – 10:00 PM, Saturday August 23, 2008 from 12:00 PM – 10:00 PM and Sunday, August 24, 2008 from 1:00 PM – 6:00 PM.
- 3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay Festival 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 allowed in the Goombay Festival 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.
- 4. The location of the Goombay Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 19th day of August 2008.

Magdalen Boulson
City Clerk

Jerry M Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

