

City of Fayetteville Staff Review Form

2021-0881

Legistar File ID

11/16/2021

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

Devin Howland

11/4/2021

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF AN AMENDMENT TO SECTION 111.07 OF THE CITY CODE TO ENABLE TEMPORARY SPECIAL EVENTS ONLY OUTDOOR REFRESHMENT AREAS TO BE REQUESTED THROUGHOUT THE CITY AND TO PASS AN EMERGENCY CLAUSE FOR THE HOGTOWN ON MAPLE STREET SPECIAL EVENT ON NOVEMBER 26TH.

Budget Impact:

Account Number	Fund									
Project Number	Project Title									
Budgeted Item? <u> No </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Current Balance</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> </table>	Current Budget	\$	-	Funds Obligated	\$	-	Current Balance	\$	-
Current Budget	\$	-								
Funds Obligated	\$	-								
Current Balance	\$	-								
Does item have a cost? <u> No </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Budget Adjustment Attached? <u> No </u></td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Remaining Budget</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> </table>	Item Cost	\$	-	Budget Adjustment Attached? <u> No </u>	\$	-	Remaining Budget	\$	-
Item Cost	\$	-								
Budget Adjustment Attached? <u> No </u>	\$	-								
Remaining Budget	\$	-								

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF NOVEMBER 16, 2021

TO: Mayor and City Council
THRU: Susan Norton, Chief of Staff
FROM: Devin Howland, Director of Economic Vitality
DATE: November 4, 2021

SUBJECT: AN AMENDMENT TO SECTION 111.07 OF THE CITY CODE TO ENABLE TEMPORARY SPECIAL EVENTS ONLY OUTDOOR REFRESHMENT AREAS TO BE REQUESTED THROUGHOUT THE CITY AND TO PASS AN EMERGENCY CLAUSE TO ALLOW THE UNIVERSITY OF ARKANSAS TO REQUEST A TEMPORARY ORA FOR THE “HOGTOWN ON MAPLE STREET” SPECIAL EVENT ON NOVEMBER 26TH.

RECOMMENDATION:

Staff is recommending approval of an amendment to section 111.07 of the City code to enable Temporary Special Events Only Outdoor Refreshment Areas in other areas of the City through the Special Events permitting process. Staff is also recommending approval of an emergency clause in order to enable Hogtown on Maple Street to utilize this new provision on November 26th for the final home game of the season (*pending additional approval of a Special Event Permit application should this ordinance be approved by the City Council*).

BACKGROUND:

The City of Fayetteville has seen responsible and safe utilization of ‘ORA Special Events’ throughout the City. Examples include socially distanced concerts in downtown Fayetteville, First Thursday, and the UCI Cyclo-Cross World Cup races in October of this year. One of the most notable benefits seen is event patrons no longer congregating in a small area and enjoying all of the offerings throughout the entire event area.

The City of Fayetteville was approached by Elvis Moya, Associate Athletics Director for the University of Arkansas inquiring if a ‘ORA Special Events’ provision would be possible for ‘Hogtown on Maple Street’ for the final home game.

DISCUSSION:

This ordinance is being proposed by City staff to give event organizers the option to request open consumption and possession of alcoholic beverages (outside of beer gardens) in event areas throughout the City (in areas which meet the guidelines outlined in Ark. Code Ann. 14-54-1412). Like the previous ORA ordinances, this ordinance does not regulate the serving of alcohol in anyway.

This ordinance amendment would enable the University to request this provision through the City's Special Events permitting process, as well as all other event organizers throughout the City of Fayetteville. Each special event request is reviewed on a case-by-case basis by all applicable City Departments, including the Fayetteville Police and Mayor Jordan. When a 'Temporary Special Events ORA' is approved, the Department of Economic Vitality would notify the Arkansas Division of Alcoholic Beverage Control, per the requirement in Ark. Code Ann. 14-54-1412.

WHAT THE SPECIAL EVENTS ONLY ORA DESIGNATION ENABLES:

- Gives event organizers the option to request open consumption and possession of alcohol (purchased from a vendor with an ABC-approved picnic permit) during their events in an area much broader than a fenced-in 'beer garden;'
 - Event organizers would have to request this during their special-event permit application, which would be reviewed by City staff, the Fayetteville Police Department, and Mayor Jordan;
 - During the special-event permit application, all details will be worked out such as container designation, visible identifiers, and the area where consumption and possession of alcoholic beverages would be allowed.

WHAT THE SPECIAL EVENTS ONLY ORA DOES NOT ALLOW:

- Alcoholic beverages to be brought into the special event area;
- Alcoholic beverages to be consumed during a special event that were not purchased from an ABC-approved picnic permit vendor for the special event;
- Possession and consumption of alcohol outside of approved special event areas;
- There are no provisions in this ordinance for possession and consumption in sidewalk cafés or parklets;
- This ordinance does not have a provision for an 'open consumption district' that is active in Downtown.

In summary, this ordinance gives event organizers throughout the City the opportunity to request that alcoholic beverages be allowed to be consumed in their event area during the special event (the same entitlement available in the City's three other Outdoor Refreshment Areas). It provides a legal path to eliminate the requirement for enclosed beer gardens or smaller designated drinking areas that require event attendees to crowd together.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Letter of Support from Elvis Moya, Associate Athletics Director

ARKANSAS

ATHLETICS

11/4/2021

Dear City of Fayetteville Officials:

Razorback Athletics would like to request that Hogtown on Maple Street be a temporary special events only Outdoor Refreshment Area.

This event, which takes place on Maple Street between Stadium Drive and Razorback Road, takes place four hours prior to kick-off before each home Razorback Football game and lasts until 30 minutes prior to kick-off to allow for fans to move into the stadium for the game.

Hogtown on Maple Street includes a live band, food trucks, sponsor activations and pep rally.

Levy is the official concessionaire for Razorback Athletics and coordinates the beer sales through a small trailer with the license approved by the ABC.

All patrons that arrive to the trailer will be ID'd, wrist banded and provided a plastic cup with the beverage poured into it.

This request is supported by Hunter Yurachek, Vice Chancellor and Director of Athletics of Razorback Athletics.

Thank you for your time and consideration.

Elvis Moya
Associate Athletics Director
Community Relations and Fan Engagement
(479) 575-6055



UNIVERSITY OF ARKANSAS DEPARTMENT OF INTERCOLLEGIATE ATHLETICS

FRANK BROYLES ATHLETIC CENTER | POST OFFICE BOX 7777 | FAYETTEVILLE, AR 72702-7777 | OFFICE: 479.575.7457 | FAX: 479.575.4904

ARKANSASRAZORBACKS.COM