

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager *MSM*

SESSION DATE: October 27, 2008
TIME: 4:00 p.m.
PLACE: Second Floor Conference Room

AGENDA:

- **Adair County Humane Society Tour**
- **DREAM Organizational Structure**
- **Update on Historic Preservation and CLG Process**
- **Alcohol on City Property**
- **Review of Annexation Policy**
- **Newsletter Review – October 24, 2008**

...

ALCOHOL ON CITY PROPERTY

The City Council met on August 11 and again on September 8 to discuss whether or not to consider an ordinance that would allow for the consumption of alcohol at the airport, Rotary Park and North Park. The Council asked that staff survey other cities who have implemented similar ordinances to determine what impacts, if any resulted from the implementation of this type of ordinance.

Community Services Director sent out a request to members of the Missouri Parks and Recreation Association to find out what cities if any allowed the consumption of alcohol on city property. Eleven communities responded with nine of those allowing the consumption of alcohol on city property. Two communities responded stating that they do not allow alcohol. A summary of this information is included at the end of this Study Session packet. One community that was mentioned at the August 11 meeting as allowing alcohol was the City of Columbia. They did not respond to our request.

The Council wanted to consider this policy at the request of some citizens including Randy Smith, Kirksville Airport Association, who wanted the Council to consider a policy to allow beer and wine to be served at an airport event at the city-owned hangar. The event was moved to a private hangar and the request was not as urgent for consideration. In addition members of the Rotary Club asked the Council to allow the consumption of alcohol at Rotary Park Amphitheater for special events. The final request was a consideration to generate additional income for North Park by allowing the City to sell alcohol on the adult softball league nights.

Current City ordinances do allow for the sale of beer and wine on public property in the downtown business district only. The October Fest in front of IL Spazio is an example of current practice allowable under the existing ordinance.

The new ordinance would allow for the sale of beer and wine at North Park, Rotary Park Amphitheater and the Airport in addition to the downtown district. The applicant for any permit to sell alcohol must be a nonprofit, charitable organization or department of the City of Kirksville.

All events for which a permit would be issued would comply with the following: 1) The area in which the possession and consumption of alcohol would be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area. 2) The area would include city approved entrances/exits, which would be staffed at all times. 3) A system of checking ID's to prevent underage drinking would need to be provided and followed. 4) A layout of the area to be utilized for serving and consuming alcohol would be required from the applicant. 5) The specific hours of the event would be part of the approval process before a permit would be issued. 6) All events for which a permit could be issued would need to conclude by twelve o'clock midnight.

The applicant must comply with all other City ordinances and policies regarding the use of City property.

Recommended Action

The City Council needs to decide whether this is a policy you wish to continue to pursue based upon the proposed policy or other criteria, or is the Council interested in staff working on developing a policy.

...

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Policies of Other Municipalities Concerning the Sale or Consumption of Alcohol on City Property.

STUDY SESSION MEETING DATE: September 8, 2008

CITY DEPARTMENT: Community Services

PREPARED BY: Steven Bell, Community Services Director

Staff conducted a survey of Missouri municipalities through the Missouri Parks and Recreation Association about the sale and/or the consumption of alcohol on City

property. We received eleven responses. Nine communities allowed this activity, two did not.

None of the responding communities that allowed the sale and/or consumption of alcohol reported additional vandalism or safety concerns. Police intervention was reported as minimal by two Communities, it was not an issue for the other communities.
 Survey results:

ALCOHOL ON CITY PROPERTY

CITY	YES or NO	CITY ORDINANCE	NEGATIVE RESULTS	INCREASED POLICE	SPECIAL REGULATIONS
St. Charles County	Yes	Yes	No	No	No glass containers
Concordia	Yes	Yes	No	No	Some restrictions
Bridgeton	Yes	Yes	No	No	
Shrewsbury	Yes	Yes	No	No	Liquor License to sell
Sikeston	Yes	Yes	No	No	Prohibited at baseball/softball facilities during youth programs
Town & Country	Yes	Yes	No	No	Carry in only, no alcohol sales
Independence	Yes	Yes	No	No	
Marshall	Yes	Yes	No	No	Allowed only in specific areas
Warrenton	Yes	Yes	No	No	Prior approval
Sedalia	No	Yes			
Warrensburg	No	Yes			

**Policy For Consumption of Alcohol
(Intoxicating Liquor or Non-intoxicating Beer)
On City Property**

PURPOSE:

The City of Kirksville hereby adopts the following policy to allow for the consumption of alcohol on City Property. The purpose of this policy is to prescribe the manner in which permits for the consumption of alcohol at special events on City property will be issued, the requirements for such permits, and the rules and regulations governing such activities. The applicant must comply with all other City ordinances and policies regarding the use of City property.

PROCEDURES:

1. Any request for the use of a public facility, whether or not it involves the consumption of alcohol, must be made to the appropriate City department responsible for the administration of that facility.

2. In addition to the submittal of an application for the use of a public facility, sponsors of any special event at which it is proposed that alcohol be allowed to be consumed must also submit an application to the City Clerk's office for a permit to possess and consume alcohol at a special event on City property no later than sixty (60) days in advance of the proposed event or effective date of the permit. There shall be no fee for such application

3. Application's will be approved by the City Council after input from the City Manager and other City departments. A permit may be denied if, based on information acquired by or submitted to the City Council, it is determined that the issuance of the permit is contrary to the public health, welfare and safety.

GENERAL REQUIREMENTS:

1. **Insurance** - The permit holder shall provide a certificate of general liability insurance which names the City as an additional insured, and provides for at least fifteen (15) days notice of cancellation. The minimum insurance coverage limits shall be \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate.

2. **Applicant** - Only municipal, charitable and/or nonprofit organizations shall be allowed to apply for and receive such a permit, in conjunction with a specified event to be held on City property as designated in the application. Only one organization per event is eligible to receive such a permit, which must be the primary organization sponsoring the event, or a municipal, charitable or nonprofit organization selected by the primary sponsor.

3. **Special Event Defined** - A special event is defined as any event that is open to the public, regardless of whether a fee is charged, specific to an identifiable time and place.

4. **Posting** - The permit for the possession and consumption of alcohol on City property must be posted in a conspicuous location at all times during the event.

5. **Other** - The permit holder must meet with Kirksville Police Department staff to review all rules, regulations and conditions associated with the permit. A representative of the permit holder is required to be on site for the entire event, and shall provide contact information to the Kirksville Police Department. The permit holder shall comply with all conditions established by the Kirksville Police Department and/or the Kirksville Fire Department for such event.

6. **Locations** - Permits for the possession and consumption of alcohol on City property will only be considered at the following locations:

- a. Airport
- b. Downtown streets located in the Central Business District
- c. North Park Complex
- d. Rotary Park Amphitheater

7. **Security** - Certain events may require the need for security personnel or police officers for crowd and traffic control. Security requirements will be determined by the Kirksville Police Department, which must be accepted and followed. The applicant/sponsor will be required to pay for security personnel for the event.

8. **Location Layout Requirements** - All events for which such a permit is issued shall comply with the following:

- a. The area in which the possession and consumption of alcohol will be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area.
- b. The Kirksville Police Department shall determine the number of entrances/exits required for each event. All entrances/exits, shall be staffed at all times.
- c. A system of checking I.D.'s to prevent underage drinking must be provided and followed.

d. A layout of the area to be utilized for serving and consuming alcohol shall be provided with the application. Such area proposed must be approved as part of the issuance of the permit.

e. The specific hours of the event will be approved as part of the permit, however, all such events for which a permit is issued shall conclude no later than twelve o'clock midnight.

9. ***Sale of Alcohol*** - The sale of alcohol at any such event shall only be allowed by the holder of valid licenses for such sales issued by both the City of Kirksville, and the Missouri Department of Liquor Control.

10. ***Terms and Conditions*** - Various City departments, including the Kirksville Police Department and the Kirksville Fire Department, will be asked to review the application, and may recommend to the City Council the placement of certain conditions or requirements on the issuance of the permit. The permit issued by the City will contain the terms and conditions under which the permit is being issued and are deemed necessary by the City Council. The applicant/sponsor will be required to sign the permit, thereby agreeing to all terms and conditions thereof, and to the provisions of this policy.

11. ***Comply With Other Laws*** - Applicant/Sponsor shall not allow the site of the special event to be used in violation of any other local, state or federal law or regulation, including, but not limited to, those prohibiting public intoxication and serving of alcoholic beverages to minors.

12. ***Indemnity*** - The applicant/sponsor shall agree to hold the City harmless and indemnify the City and defend the City from and against all claims, actions, suits or demands, including reasonable attorneys fees, arising out of any breach by applicant of the terms of this policy or of the terms and conditions of the permit.

{We will still need to tweak a couple of the existing code sections and generate a form application and form permit.}