

**1. Requested Motion:**

**Meeting Date: December 7, 2009**

Authorize open containers of alcohol at the New Year's Celebration within the area of Times Square and provide funding if necessary for entertainment during the celebration.

**Why the action is necessary:**

Ordinance 99-15 requires that Town Council approve all requests for open containers during such an event.

**What the action accomplishes:**

Allows alcohol served within the Times Square area to be consumed by the public outdoors in public and semi-public designated areas within the limits of the Time Square area and provides for funding of entertainment if necessary.

**2. Agenda:**

- Consent
- Administrative

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other: Waiver

**4. Submitter of Information:**

- Council
- Town Staff: Public Works
- Town Attorney

**5. Background:**

This is a recurring annual event for which the Town Council has previously waived the ban on open containers of alcohol in public areas, as provided in Ordinance 99-15. Staff is requesting that only the area commonly known as Times Square be included in the waiver. In years past the waiver extended the area on the sand up to the Surf Club. Staff is not seeking this additional area to be included this year. In previous years a business owner would volunteer to organize and/or fund the majority of the costs for entertainment during the celebration. No one has stepped forward this year. Staff is working with the Times Square businesses to seek donations toward the cost of the band that provides entertainment throughout the evening. The estimated cost for the band is \$1,200.00. Any balance not funded will be deducted from the annual event budget. PW staff will provide the set up and breakdown as in years past.

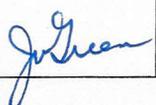
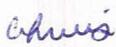
**6. Alternative Action:**

Provide alternate direction to staff.

**7. Management Recommendations:**

Authorize open containers of alcoholic beverages in the designated area commonly known as Times Square as provided in Ordinance 99-15 and provide the necessary funding for the entertainment.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

**9. Council Action:**

- Approved
- Denied
- Deferred
- Other