



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: December 2, 2019
SUBJECT: GYAC Limited Alcohol Consumption Ordinance

BACKGROUND.

Per section 205.03(26) of the Indian River County Ordinance Code (the "Code"), no person can bring alcoholic beverages into any park or recreational facility or drink alcoholic beverages at any time in a park or recreational facility. However, per section 205.09 of the Code, the sale and consumption of alcoholic beverages is permitted at the Indian River County Fairgrounds and at the South County Intergenerational Recreation Center so long as certain enumerated conditions have been satisfied.

On January 6, 1998, the Indian River County Board of County Commissioners (the "Board"), as landlord, entered into a lease agreement with the Progressive Civic League of Gifford, Florida, Inc. as tenant for the Gifford Youth Activities Center at Gifford Park, which is located at 4715 43rd Avenue. On April 9, 2002, the Board considered a request made by the Gifford Youth Activity Center, Inc. with the support of the Progressive Civic League to become the tenant of the Gifford Youth Activity Center under a new lease.

On November 19, 2002, the Board approved a new lease with the Gifford Youth Activity Center, Inc. as tenant, for a term of forty (40) years. On January 20, 2015, the Board extended the lease with Gifford Youth Activity Center, Inc., now known as the Gifford Youth Achievement Center ("GYAC"), to a 99-year lease, with an ending date of December 31, 2114. Additional amendments to the lease have been approved by the Board so that GYAC could build an additional structure.

On November 19, 2019, representatives from GYAC made a presentation about allowing alcohol consumption at the GYAC facility in conjunction with fundraising donor events. The lease is silent with respect to the issue of alcohol consumption. After the presentation, the Board voted to direct the County Attorney to draft an ordinance and lease amendment allowing for alcohol consumption under the following conditions:

1. GYAC must employ a caterer or similar agent to serve alcoholic beverages who holds all required state alcoholic beverage licenses;
2. GYAC must make adequate plans, and is ready, willing and able to implement such plans, for security or police presence;

3. GYAC has obtained liability and any other insurance required by the Indian River County Risk Manager, and has provided certificates evidencing such insurance, in amounts and all other respects acceptable to the Indian River County Risk Manager;
4. The service of alcoholic beverages can only occur after 6 PM;
5. The service of alcoholic beverages cannot occur when children are present;
6. Alcoholic beverages cannot be offered for sale;
7. GYAC cannot assign, sublease or transfer the leased premises for the consumption of alcoholic beverages.

The County Attorney's Office has drafted an ordinance which now allows for the exemption in section 205.09 of the Code to be expanded to include the GYAC facility, in accordance with the lease. The County Attorney's Office has also drafted a lease amendment to allow for the consumption of alcohol at the GYAC facility under the above-referenced conditions.

FUNDING.

The cost of publication of the required public notice for the public hearing was \$131.67. The cost will be funded from the General Fund/County Attorney/Legal Ads (account number 00110214-034910).

RECOMMENDATION.

The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance and approve the draft lease amendment.

ATTACHMENT(S).

Draft Ordinance
Draft Lease Amendment