

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 14, 2023

Item Details

Presenter(s): Craig Setzer, Director

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to adopt an ordinance amending Chapter 13, Article III, Subsection 54 of the Town of Apex Code of Ordinances to provide a permit exemption to persons contracted with the Town to provide concession services on Town property and who would otherwise meet the definition of park concessioner under this article.

Approval Recommended?

Yes

Item Details

On Saturday, November 4, 2023, Pleasant Park opened to the public. Pleasant Park is the largest park facility in the Town's 150-year history. During the design and construction of the park, a building for concession stand sales was included. Pursuant to the Code of Ordinances for the Town of Apex, a park concessioner is required to first obtain a permit issued by the Apex Police Department (APD) prior to engaging in such activity. The requested ordinance amendment would provide a permit exemption to persons contracted with the Town to provide concession services on Town property.

The Parks, Recreation, and Cultural Resources Department has secured Barham Enterprises to provide concession services at Pleasant Park. Pursuant to this agreement, Barham Enterprises promises and agrees to pay the Town on a monthly basis 20% of gross sales for the use of the facility for the duration of the agreement.

While no routine schedule is included in the terms of the agreement, the terms state: "The Contractor shall devote as much time to concession operations as deemed necessary to provide first class service to Pleasant Park patrons. The Town and the Contractor will agree on operating hours of concessions, based on scheduled events and tournaments, as well as daily park users. The Town will provide the Contractor a schedule of all large events and tournaments at least 30 days in advance.

Attachments

- CN10-A1: Ordinance Amendment Chapter 13, Occupational Licenses, Taxes and Regulations, Article III, Peddlers, Solicitors and Park Concessioners, Subsection 54, Exceptions to Provisions
- CN10-A2: CONT-2023-314 - Service Agreement between Town of Apex Parks, Recreation, and Cultural Resources and Barham Enterprises (Concessionaire)

