

★ Roll Call Number

Agenda Item Number

46

Date November 20, 2006

Request from Jason Walsmith, Des Moines Music Commission, to speak regarding designated music venues.

Moved by _____ to receive and file comments.

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

November 20, 2006

The Mayor and City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Designated Venue Exception to Municipal Code Section 10-8

Dear Mayor and City Council Members:

The City Council established the Des Moines Music Commission to promote the development of live music performances, the music industry and musicians within the City, and to provide an opportunity for input from the music industry and the general public for ideas in support of live music.

After two public forums sponsored by the commission, it became clear that 16 through 20 year old music fans are being ill-served by Section 10-8 of the Municipal Code which prevents them from attending live shows after 9:00 p.m. at certain music venues which also have liquor licenses or wine and beer permits.

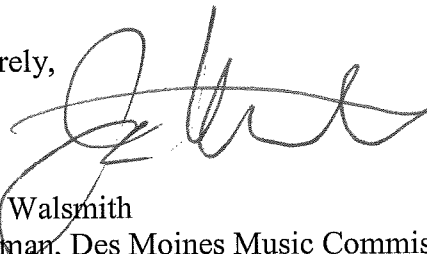
The practical effect of the ordinance is to force music venues which want to serve this age group into holding "all ages" shows, which may start as early as 5:00 p.m. if more than one band is scheduled. This prevents many prospective patrons, especially students of late high school and college age who have classes, sports or club activities scheduled for late afternoon and early evening from attending and supporting their favorite bands and music venues. Those bands, especially traveling bands, that cannot or will not schedule shows to begin before 8:00 or 9:00 p.m. naturally lose a large section of their fan base under the present ordinance and often avoid engagements within the City for this reason. This harms not only local clubs but local bands as well because young local musicians miss the opportunity to make important contacts with more established traveling bands if these bands do not book dates in Des Moines.

The Music Commission has proposed an amendment to Section 10-8 which would apply to licensed and permitted designated venues in order to allow 16 through 20 year olds to be in these venues until 11:30 p.m. The amendment would help promote the music industry in Des Moines and would present no risk of increased under-aged drinking. In fact, by allowing those 16 and above to stay in a controlled environment ("off the streets") until 11:30 p.m. where they cannot purchase liquor, the amendment may actually decrease under-age consumption.

We understand that the Police Department has certain concerns which we are attempting to address in a practical and economically viable manner. The proposed amendment would not apply to a neighborhood bar that only occasionally has live performances, but requires that the venue have a fixed stage, public address and lighting system, and that at least 150 live performances (approximately 3 per week) be scheduled. The amendment continues to require that more than fifty percent of the venue's revenue be from sources other than alcohol sales, but it also recognizes that their primary purpose is to hold shows on a regular basis, not to serve food, so the sales that qualify as non-alcohol revenues are relaxed to include ticket sales, cover charges, non-alcoholic beverages, and apparel (t-shirts) as non-exclusive examples. Photo ID and wristbands would be required to help staff identify minors who must leave at 11:30 p.m., or if they are under 16 years of age at 9:00 p.m.

We hope that the amendment will be accepted in the spirit in which it is proposed—as a carefully tailored effort to promote the music industry and live music scene in Des Moines.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Walsmith', written over a horizontal line.

Jason Walsmith
Chairman, Des Moines Music Commission