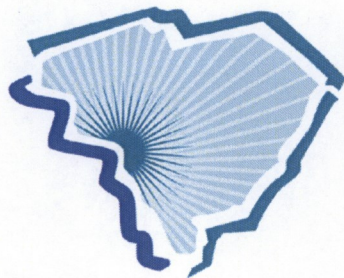


CITY COUNCIL
STUDY SESSION AGENDA
OF NOVEMBER 19, 2018



North
Augusta
South Carolina's
Riverfront

Administration Department



Interoffice Memorandum

TO: Mayor and City Council

FROM: B. Todd Glover, City Administrator

DATE: November 16, 2018

SUBJECT: Study Session Date of Monday, November 19, 2018

A study session of the North Augusta City Council has been scheduled for **Monday, November 19, 2018, at 6:00 p.m.** in the Municipal Center's 3rd Floor Council Conference Room/Council Chambers located at 100 Georgia Avenue.

The following are among the topics for discussion and review:

ITEM 1. CITY COUNCIL AGENDA: Items on the November 19, 2018 Council Agenda – Council Discussion

At this time, any questions related to the agenda scheduled for tonight's meeting may be discussed.

ITEM 2. CITY CODE: Ordinance No. 2018-02 – An Ordinance Amending Section 4.1 of the Code of Laws for the City of North Augusta Entitled “Consumption of Alcoholic Beverages in Public” – Ordinance, First and Second Reading – Tabled – Council Review and Discussion

At the February 19, 2018 Council meeting, on motion by Councilmember McGhee, second by Mayor Pettit, Council unanimously tabled an ordinance amending Section 4.1 of the Code of Laws for the City of North Augusta Entitled “Consumption of Alcoholic Beverages in Public”.

City Administrator, Todd Glover, would like Mayor and Council to review and discuss the proposed ordinance.

Please see **Attachment No. 2** for the proposed ordinance.

ITEM 3. LEGAL: Executive Session – Request of the City Administrator

In compliance with Section 30-4-70 (a) (2) the City Administrator requested an executive session for the purpose of:

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

Discussion is related to property owned by the City specifically referred to as Northview Park.

NO ACTION IS ANTICIPATED FOLLOWING THE EXECUTIVE SESSION.

ATTACHMENT 2

ORDINANCE NO. 2018-02
AN ORDINANCE AMENDING SECTION 4-1 OF THE CODE OF LAWS
FOR THE CITY OF NORTH AUGUSTA ENTITLED "CONSUMPTION
OF ALCOHOLIC BEVERAGES IN PUBLIC"

WHEREAS, Section 4-1 of the City Code relates to consumption, use, etc. of alcoholic beverages in public areas of the City; and,

WHEREAS, such Ordinance was amended in October of 2017 to provide for regulations that considered City sponsored festivals; and,

WHEREAS, at the time of the passage of said Ordinance, it was anticipated that additional changes would be necessary in order to effectively regulate future activities within the City; and,

WHEREAS, the Mayor and City Council have made a determination that it is appropriate to update such Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that:

1. Section 4-1 of the Municipal Code for the City of North Augusta is hereby deleted in its entirety and replaced with the following:

Section 4-1. Consumption of Alcoholic Beverages in Public

- a) Except for the area and circumstances provided for in Sections B, C and D herein, it shall be unlawful for any person, in a public place, within the corporate limits of the City, to publicly engage in the possession of an open container of or consume an alcoholic beverage, intoxicating liquors, beer, ale, porter, wine, any other similar malt or fermented beverage. This restriction does not apply to any public place licensed for the sale and consumption of alcoholic beverages by the State of South Carolina.
- b) Within the area of the City known as Riverside Village, a specifically described area shall allow for public possession and consumption under restrictions and regulations as set forth herein below. The specific area is described as follows: on the north by Brick Pond Park; on the east by Georgia Avenue; on the south by the

Savannah River and on the west by Esplanade. The specific area is more specifically identified and reference for said area is made to the exhibit attached hereto to, identified as "Alcohol Public Consumption Area."

1. Between the hours of 10:00 AM and 12:00 MIDNIGHT, any business establishment that is licensed to sell alcoholic beverages, that is within or borders on the described area, may sell beer and/or wine beverages in a paper or plastic cups for removal from the premises to the designated area. No cans, bottles or glass containers of any nature may be utilized. No person shall remove more than two (2) beverages from the premises at any one time.
 2. No beverages, as allowed for removal from business establishments as identified in Number 1 above, are allowed outside of the designated area. In addition, no alcoholic beverages, for consumption within the designated area, may be brought in from outside of said area.
 3. Any alcoholic beverage dispensed pursuant to this section must be contained within a paper or plastic cup, not to exceed 16 fluid ounces in size. Such cups shall be identifiable and as specifically approved by the City for such usage. Such cups are to be provided by the business selling such beverages.
 4. Should the City Administrator, in consultation with the Public Safety Director, determine that the enforceability of this Ordinance would be enhanced by further requirements and regulations related to the possession and consumption of alcoholic beverages within the designated area, such requirements may be placed in effect by written notification of same to all businesses within the designated area.
 5. The Public Safety Director, the City Administrator, or their designees shall have the right to temporarily suspend the service of beverages within the consumption area, in the event that they determine that such suspension is necessary for the safety and wellbeing of the persons within the area.
- c) The City Administrator may, at his/her discretion, grant a permit for the consumption of alcoholic beverages in public places, during special events and celebrations sponsored in whole, or in part, by the

City. Such permit would be in written form and specify the times and areas, when and where alcoholic beverages may be possessed and consumed. In addition, the Administrator is authorized to provide such other restrictions, regulations or requirements deemed appropriate to protect the interest of the public when granting a permit.

- d) Businesses that obtain from the City encroachment permits for outdoor cafés pursuant to Section 4.32 through 4.32.4 of the North Augusta Development code, are allowed to provide for the service and consumption of alcoholic beverages on City streets and public property in such areas as the permit authorizes the encroachment. The service and consumption of food, non-alcoholic beverages and alcoholic beverages in sidewalk encroachments is limited to patrons seated at tables. The permit may specify the permitted hours for service or consumption of alcoholic beverages but may not authorize such service between the hours of 12:00 midnight and 10:00 am.
- e) The provisions of this Section shall not be construed as an exception or waiver of any Ordinance or South Carolina Law regarding Public Intoxication or Operating an Automobile While Impaired, and should not be construed as affecting Dram Shop Liability or other liability that any such establishment may be subjected to under law.
- f) For purposes of construing and interpreting this Ordinance, the following definitions shall apply.
 - a. *Alcoholic Beverage.* Any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them, including, but not limited to, a powdered or crystalline alcohol, by whatever name called or known, which contains alcohol and is used as a beverage for human consumption.
 - b. *Person.* Any individual, firm, partnership, joint venture, syndicate or other group or combination acting as a unit, association, corporation or other legal entity and shall include the plural, as well as singular.
 - c. *Public Area.* Any public street, sidewalk, alley, publicly owned parking lot, or other public area within the City.

All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, are hereby repealed.

This Ordinance shall become effective immediately upon its adoption on the third and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS ____ DAY OF FEBRUARY, 2018.

First Reading: _____

Second Reading: _____

Third Reading: _____

ROBERT A. PETTIT, MAYOR

ATTEST:

DONNA B. YOUNG, CITY CLERK

