

RESOLUTION NO.: R-2023-100

Authorizing tastings only of locally produced wine and beer only provided by market vendors and operation of Soda City, an open-air market featuring farmers and food from January 1, 2024 to December 31, 2028 with an option to renew for an additional five (5) years if agreed upon in writing by both parties within the 1400 and 1500 blocks of Main Street excluding Boyd Plaza and the sidewalk areas, and based on growth and/or seasonal fluctuations expanding to the 1300 block of Main Street excluding the sidewalk areas and closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations expanding into the 1600 block of Main Street between Blanding Street and Taylor Street excluding the sidewalk areas and without closing the intersection and authorizing the City Manager to execute an Agreement between the City of Columbia and Market Hall LLC dba Soda City for use of the 1400 and 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas and based on growth and/or seasonal fluctuations expanding to the 1300 block of Main Street excluding the sidewalk areas, closing the intersection of Hampton Street and Main Street for Soda City and the 1600 block of Main Street between Blanding and Taylor Street, excluding the sidewalk areas and without closing the intersections; and authorize City staff to require vendors to remove items City staff deems not to be in compliance, to authorize the relocation of Soda City for move-in dates of The Hub, Latinfest, SC Pride and Jam Room Music festivals only to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street and based on growth and/or seasonal fluctuations into the 1700 block of Main Street between Blanding Street and Laurel Street excluding the sidewalk areas and without closing the intersection of Blanding Street or the intersection of Laurel Street

WHEREAS, Market Hall dba Soda City Market is organizing an open-air market featuring farmers and food and tastings only of locally produced wine and beer only provided by market vendors during the operation of the Soda City Market to run on Saturdays from 9:00 a.m. until 1:00 p.m. from January 1, 2024 to December 31, 2028 with an option to renew for an additional five (5) years if agreed upon in writing by both parties within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street excluding the sidewalk areas and closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations expanding into the 1300 block of Main Street between Washington Street and Lady Street excluding the sidewalk areas and without closing the intersection of Washington Street and Main Street, and based on growth spreading into 1600 and 1700 blocks.

WHEREAS, Market Hall dba Soda City Market acknowledges and agrees that for the move-in dates of The Hub and other festival dates as approved by separate resolutions for the Latinfest, SC Pride and Jam Room Music festivals, the Market shall not use the 1300 or 1400 blocks of Main Street and shall be relocated to the 1500, 1600 and 1700 blocks of Main Street, excluding sidewalks and all intersections for these events; and,

WHEREAS, Market Hall dba Soda City Market acknowledges and agrees that the City of Columbia reserves the right to negotiate with the Market Hall dba Soda City Market and other parties to accommodate unplanned events that the City deems as extraordinary; and,

WHEREAS, Organizer has requested permission for the temporary closing and use of the aforementioned areas of Main Street, as shown on the sketch attached hereto as Exhibit "A" and incorporated herein, from 7:30 a.m. until 2:00 p.m. for set up, clean up, and staging of the event to be held in the parking spaces only from 9:00 a.m. until 1:00 p.m. on Saturdays from January 1, 2024 to December 31, 2028 with an option to renew for an additional five (5) years if agreed upon in writing by both parties - for patrons to taste locally produced wine and beer beverages only provided by market vendors at the event during the operating hours of 9:00 a.m. until 1:00 p.m.; and for crowd control and overflow; and,

WHEREAS, potential expansion of the Market into the 1300 block of Main Street between Washington Street and Lady Street without closing the intersection of Washington Street and Main Street will depend on growth rate and seasonal fluctuations and may not occur on a regular basis. Market Hall dba Soda City Market shall communicate with the City's Parking Services Department, the City's Public Works Department, the City Police Department and the City of Columbia Fire Marshall regarding such expansion no later than one (1) month from the date of the initial expansion and potential expansions thereafter shall be made by 8 a.m. on Monday before the market; and,

WHEREAS, potential expansion of the Market into the 1600 and 1700 blocks of Main Street between Blanding Street and Taylor Street without closing the intersection of Blanding Street and Taylor Street will depend on growth rate and seasonal fluctuations and may not occur on a regular basis. The Market Organizer shall communicate with the City's Parking Services Department, the City's Public Works Department, the City Police Department and the City of Columbia Fire Marshall regarding such expansion no later than one (1) month from the date of the initial expansion and potential expansions thereafter shall be made by 8 a.m. on Monday before the market; and,

WHEREAS, the official flow of block expansion shall be 1500, 1400, 1300 and 1600 and only when 1600 is completely full 1700. With proper notifications as required, potential expansion should first occur into the 1300 block and only when that block is full occur into the 1600 block;

WHEREAS, relocation of the Market into the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street and based on growth and/or seasonal fluctuations into the 1700 block of Main Street between Blanding Street and Laurel Street excluding the sidewalk areas and without closing the intersection of Blanding Street or the intersection of Laurel Street shall only be for special events to include but not be limited to The Hub move-in dates, Latinfest, SC Pride and Jam Room Music festivals and other unplanned events that the City deems as extraordinary; and,

WHEREAS, requests by the Organizer for special events to coincide with and/or lengthen the Market hours to allow for service of beer and wine during the special event each require separate written resolution approval of City Council and shall be submitted at least ninety (90) days in advance of the special Market event and shall not occur more than once per month; and,

WHEREAS, the City of Columbia has the right, in its sole and exclusive discretion, to require a vendor to remove any items that City staff deems not to be in compliance with its resolution; and,

WHEREAS, the City of Columbia ("City") has agreed to sponsor the said event; and,

WHEREAS, the potential transfer of this resolution will require approval by the City Manager; and,

WHEREAS, Organizer shall:

1. Bear all costs associated with all market events, including police officers on duty from 7:30 a.m. to 2 p.m. and a fire marshal as required by the City of Columbia Fire Department, and will not seek any financial assistance from the City of Columbia.

2. If Market Hall charges any vendor an electrical charge, such charge will be remitted to the City of Columbia. Payment is required monthly; check should be delivered to Public Works at 2910 Colonial Drive or mailed to Public Works Administration, ATTN: Public Works, 2910 Colonial Drive, Columbia, SC 29203 and reference the market in the return address. Checks for Fire and Police shall be done accordance with City standards for off duty officers.

3. Be responsible for vendors' tents and tables. All equipment shall be set up within the parking space areas only within the 1400 and 1500 blocks of Main Street, excluding the sidewalks areas as shown on the attached Exhibit "A", and based on growth and/or seasonal fluctuations the 1300 block of Main Street between Washington Street and Lady Street without closing the intersection of Washington Street and Main Street and the 1600 block of Main Street between Blanding Street and Taylor Street without closing the intersection of Blanding Street and Taylor Street, With the exception of sidewalk areas, parking areas, adjacent garage and off-street parking areas. Tents and tent tie down materials and food trucks are prohibited on the sidewalk areas and median of all blocks of Main Street, intersections and cross streets and within the City Center Parking Garage. There shall be a minimum distance of twenty (20') feet between the tents and food trucks on each side of the street to allow for emergency vehicle access through the middle of the street and to comply with fire codes. All vendor activities shall be in compliance with applicable fire codes. Vendor tents and food trucks shall be placed and installed in compliance with fire codes. The number of vendor tents and food trucks allowed in the event area shall be limited by and in compliance with fire codes.

4. Provide bathroom facilities for vendors and event patrons. If these facilities are housed in an existing business, Market Organizer shall provide the City a written confirmation letter from said business(es);

5. Provide a certificate of insurance as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina;

6. Vendors must have current permits, licenses and certifications required by local, state and/or federal laws and regulations, including but not limited to those permits, licenses and certifications described in Exhibit "B" attached hereto and incorporated herein;

7. Vendors must comply with the South Carolina Department of Agriculture's Food Safety and Compliance Guidelines, a copy of which is attached hereto as Exhibit "C" and incorporated herein;

8. Insure that at least 75% all items sold are LOCALLY grown, produced, processed and crafted within one hundred (100) miles of Columbia, South Carolina. Special exceptions will be made on products not available within one hundred (100) miles of Columbia, South Carolina, i.e. fresh coastal seafood, citrus, coffee, out-of-season and exotic produce, etc.

9. Insure vendors offering tastings of locally produced wines and beers have obtained all necessary permits and/or licenses which are required by SCDOR for wine and beer tastings.

10. Adopt appropriate Rules and Regulations for the conduct and control of the market.

11. Require all vendors to execute an indemnification and hold harmless agreement in favor of the City of Columbia prior to their participation in the event, attached hereto as Exhibit "D", and incorporated herein.

12. Businesses with storefronts along the market area shall be allowed to display and sell their goods upon the sidewalk adjacent to their business, at no cost to their business, on each weekend that the market is conducted. Such businesses shall ensure that Americans with Disabilities Act (ADA) access along the sidewalks and to their businesses is maintained at all times; and,

13. The market shall include promotions of businesses with storefronts along the market area as part of Soda City marketing efforts; and,

14. The Market Hall dba Soda City shall conduct themselves in accordance with their role as positive promoter and de facto goodwill ambassadors of the City of Columbia in matters related to the Market. In the event that Organizer fails to act as a positive promoter and de facto goodwill ambassadors of the City, the City, at its sole option, may immediately terminate this Agreement; and,

15. The Columbia Police Department shall strictly enforce all terms, conditions, and requirements set forth in this resolution; and

16. In the event the Organizer fails to strictly perform and comply with all terms, conditions and requirements set forth hereinabove, or if the City, in its sole discretion by the vote of City Council determines that it is in the best interests of the City to terminate this Agreement, the City may repeal the Resolution and immediately terminate the Agreement attached thereto. Organizer may terminate the Agreement at any time.

17. The Market Hall dba Soda City will make every good faith effort not co-locate vendors with brick-and-mortar establishments which sell like items, i.e. a food vendor in front of a restaurant. Market Hall dba Soda City will work together with the City on a resolution.

WHEREAS, it has been determined that such an event would be in the public interest; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council this 19th day of December, 2023, that tastings of locally produced wine and beer only provided by market vendors is authorized at the event between the hours of 9:00 a.m. until 1:00 p.m. on Saturdays from January 1, 2024 to December 31, 2028.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the attached Agreement to Organize and Operate an Open Air Market between Market Hall dba Soda City and City of Columbia for use of aforementioned areas as shown on the attached hereto as Exhibit "E" and incorporated herein; and,

BE IT FURTHER RESOLVED the City of Columbia has the right, in its sole and exclusive discretion, to require a vendor to remove any items that City staff deems not to be in compliance with this resolution and attached Agreement to Organize and Operate an Open Air Market; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic beverages within the event area location is prohibited; and,

BE IT FURTHER RESOLVED that organizer is responsible or shall make arrangements for the clean-up and recycling of all trash and debris within either event area location and shall place same in the roll carts provided by the City. Any overflow of trash, debris and/or recyclables shall be placed in garbage bags with the top securely

closed and placed beside the City roll carts. The number of roll carts needed for the event shall be determined by organizer and the City Solid Waste Division prior to the event and placed throughout the event area to ensure that trash, debris and/or recyclables are well contained. Roll carts and bagged trash and debris, as well as recyclables, shall be returned to the collection point designated by the City in a timely manner. If the organizer has not opted to use City services to clean up the event area, any costs incurred by the City in removing loose trash, debris and/or recyclables within either event area location, which the organizer has failed to clean up, shall be billed to and paid by the organizer; and,

BE IT FURTHER RESOLVED that all vendors be restricted to a stationary location; and,

BE IT FURTHER RESOLVED that food trucks within the 1500 block of Main Street, excluding Boyd Plaza and the sidewalk areas, shall be restricted to a stationary location, one each parked in the loading/unloading spaces as depicted on the sketch attached as Exhibit "A" and incorporated herein; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed within either event area location. All other traffic, including, but not limited to, automobiles, trucks, motorcycles, mopeds, bicycles, skate boards, and horses, except police horses, is prohibited, except for such times as the Organizer permits loading before the event and unloading after the closing of the event. Canines and felines are allowed, provided that current leash laws are observed as are set out in the 1998 Code of Ordinances of the City of Columbia, as amended. Coolers, glass bottles, breakable glasses and/or cups and backpacks shall be prohibited. Shopping bags shall be allowed; and,

BE IT FURTHER RESOLVED that during the designated time the closed portion of the aforementioned areas of Main Street, with the exception of intersections, sidewalk areas, parking areas, adjacent garage and off-street parking areas and any other areas posted as to not allow alcoholic beverages as depicted on the attached drawing shall be declared to be a Public Park and provisions of Chapter 15, Parks and Recreation, Sec. 15-1, 15-2 and 15-3, Code of Ordinances of the City of Columbia, South Carolina are in effect. Pursuant to Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99, 1998 Code of Ordinances of the City of Columbia, South Carolina, the aforementioned areas of Main Street, with the exception of sidewalk areas, the parking areas, adjacent off-street parking areas and any other areas posted as to not allow alcoholic beverages with the exception of sidewalk areas, parking areas, adjacent garage and off-street parking areas and any other areas posted as to not allow alcoholic beverages as depicted on the attached drawing, is deemed to be the site of a public festival at which the tasting only of locally produced wine and beer beverages only provided by market vendors may be consumed and the prohibition against possession or consumption of wine and beer beverages only set forth in Sec. 14-99 shall not apply. Possession and tastings only of locally produced wine and beer beverages only which are provided by market vendors only shall be permitted only in plastic cups provided by vendors within the areas designated. Tastings are recommended to be less than 1/4 an ounce, and no more than one sample of each product not to exceed a total amount of more than 2 1/4 ounces.

PROVIDED, FURTHER, that the event organizer shall provide the names and cell phone numbers of a least two contact persons who can receive complaints during the event, including any set up and breakdown times. The cell phones shall remain on at all times during the event and during any set up and breakdown time.

PROVIDED, FURTHER, that failure of the event organizer to strictly comply with the time frames and other requirements and responsibilities set forth in this resolution may result in a denial of subsequent requests to allow the event.

PROVIDED, HOWEVER, that no solicitation or transactions be made in violation of Sec. 14-32, 1998 Code of Ordinances of the City of Columbia, South Carolina.

Requested by:

Assistant City Manager Shealy

Approved by:

Cheresa B. Whisen
City Manager

Approved as to form:

[Signature]
City Attorney

[Signature]
Mayor

ATTEST:

Gilda M. Hammond
City Clerk

Introduced: 12/19/2023

Final Reading: 12/19/2023