

**RESOLUTION NO.: R-2018-048**

*Amending Resolution No.: R-2016-025 Authorizing tastings only of locally produced wine and beer only provided by market vendors and operation of Soda City for relocation from the 1300 and 1400 blocks of Main Street to the 1600 and 1700 blocks of Main Street during the Latin, SC Pride and Jam Room Music festivals and The Hub move-in dates only*

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WHEREAS, on April 5, 2016, City Council approved Resolution No.: R-2016-025 amending Resolution No.: R-2015-105, a copy of each resolution being attached hereto and incorporated herein by specific reference, 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, 2016 to December, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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 approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of 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, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in compliance; and,

WHEREAS, among other things, the resolutions reserved the right unto the City to negotiate with the Market Organizer and other parties to accommodate unplanned events that the City deems extraordinary, including but not limited to SC Pride, JamFest the Latin Festival and The Hub move-in days; and,

WHEREAS, the City has negotiated with the organizers of the events, market and merchants in the 1600 and 1700 blocks of Main Street, to allow for the relocation of the market from the 1300 and 1400 blocks of Main Street to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street or Blanding Street and Main Street and the 1700 block of Main Street, excluding the sidewalk areas and without closing the intersection of Blanding Street and Main Street or Laurel Street and Main Street, only on Saturday, August 18, 2018 for The Hub move-in; Saturday, August 25, 2018 for The Latin Festival, with a rain contingency date of Saturday, September 1, 2018; Saturday, September 29, 2018 for Jam Room Music Festival; and Saturday, October 20, 2018 for SC Pride, as follows:

1. Resolution No.: R-2017-115, approved on November 21, 2017 authorizes The Latin Festival to utilize the 1300 and 1400 blocks of Main Street; the western half block of the 1200 block of Lady Street to the entrance of the parking lot located behind the First Citizens building; the eastern half block of the 1100 block of Lady Street to the entrance of the parking garage located behind 1122 Lady Street; and the eastern half block of the 1100 block of Washington Street to the entrance of the parking lot located behind 1401 Main Street and the entrance to the Washington Street parking garage from 11:00 a.m. until 10:00 p.m. on Saturday, August 25, 2018, with a rain date contingency of Saturday, September 1, 2018; and,

2. Resolution No.: R-2018-005, approved on March 20, 2018, authorizes Jam Room Music Festival to utilize the 1400 block of Main Street between Washington Street and Hampton Street, the eastern half block of the 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress into the parking lot, and Boyd Plaza, from 12:00 p.m. until 10:00 p.m. on Saturday, September 29, 2018; and,

3. Resolution No.: R-2018-033, approved on May 1, 2018 authorizes SC Pride to utilize the half block area of the 1200 block of Main Street north of the entrance to the parking garage located behind 1221 Main Street to allow for ingress and egress to the parking garage; the half block area of the 1200 block of Lady Street west of the entrance to the First Citizens Bank and Trust parking lot to allow for ingress and egress to parking lot; the half block area of the 1100 block of Lady Street east of the entrance into the parking garage located behind 1227 Main Street to allow for ingress and egress into the parking garage; the 1300 block of Main Street between Lady Street and Washington Street; the 1400 block of Main Street between Washington Street to the southern crosswalk at Hampton Street; the half block area of the 1100 block of Washington Street east of the parking lot located behind 1401 Main Street and the Washington Street garage to allow for ingress and egress to the parking lot and garage; the half block area of the eastern 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot from 11:00 a.m. until 9:00p.m on Saturday, October 20, 2018 ; and,

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WHEREAS, it has been determined that the relocation of the market from the 1300 and 1400 blocks of Main Street to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street and 1700 block of Main Street, excluding the sidewalk areas and without closing the intersection of Blanding Street and Main Street, and shall operate in the 1500 block of Main Street between Hampton Street and Taylor Street excluding the sidewalk areas and without closing the intersection of Hampton Street, the 1600 block of Main Street between Taylor Street and Blanding Street excluding the sidewalk areas and without closing the intersection of Blanding Street and the 1700 block of Main Street between Blanding Street and Laurel Street excluding the sidewalk areas and without closing the intersection of Laurel Street, only for The Hub move-in days, Latin, SC Pride and Jam Room Music festivals, would be in the public interest; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council this 17th day of July, 2018, that Resolution No.: R-2016-025 approved by City Council on April 5, 2016 amending Resolution No.: R-2015-105, approved by City Council on December 1, 2015, 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, 2016 to December, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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, except during The Hub move-in days, Latin, SC Pride and Jam Room Music festivals, and approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of 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, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in compliance is amended to allow for the relocation of the market from the 1300 and 1400 blocks of Main Street to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street and 1700 block of Main Street, excluding the sidewalk areas and without closing the intersection of Blanding Street and Main Street, and shall operate in the 1500 block of Main Street between Hampton Street and Taylor Street excluding the sidewalk areas and without closing the intersection of Hampton Street, the 1600 block of Main Street between Taylor Street and Blanding Street excluding the sidewalk areas and without closing the intersection of Blanding Street and the 1700 block of Main Street between Blanding Street and Laurel Street excluding the sidewalk areas and without closing the intersection of Laurel Street only on Saturdays, August 18, 2018 for The Hub move-in; August 25, 2018 for The Latin Festival, with a rain contingency date of Saturday, September 1, 2018; Saturday, September 29, 2018 for Jam Room Music Festival; and Saturday, October 20, 2018 for SC Pride.

BE IT FURTHER RESOLVED that with the exception of the events outlined hereinabove, the remainder of Resolution R-2016-025 as approved by City Council on April 5, 2016 amending Resolution No.: R-2015-105, approved by City Council on December 1, 2015, a copy of each resolution being attached hereto and incorporated herein by specific reference, shall remain in full force and effect.

Requested by:

Assistant City Manager Gentry

  
Mayor

Approved by:

  
City Manager


Approved as to form:

  
City Attorney

Introduced: 7/17/2018

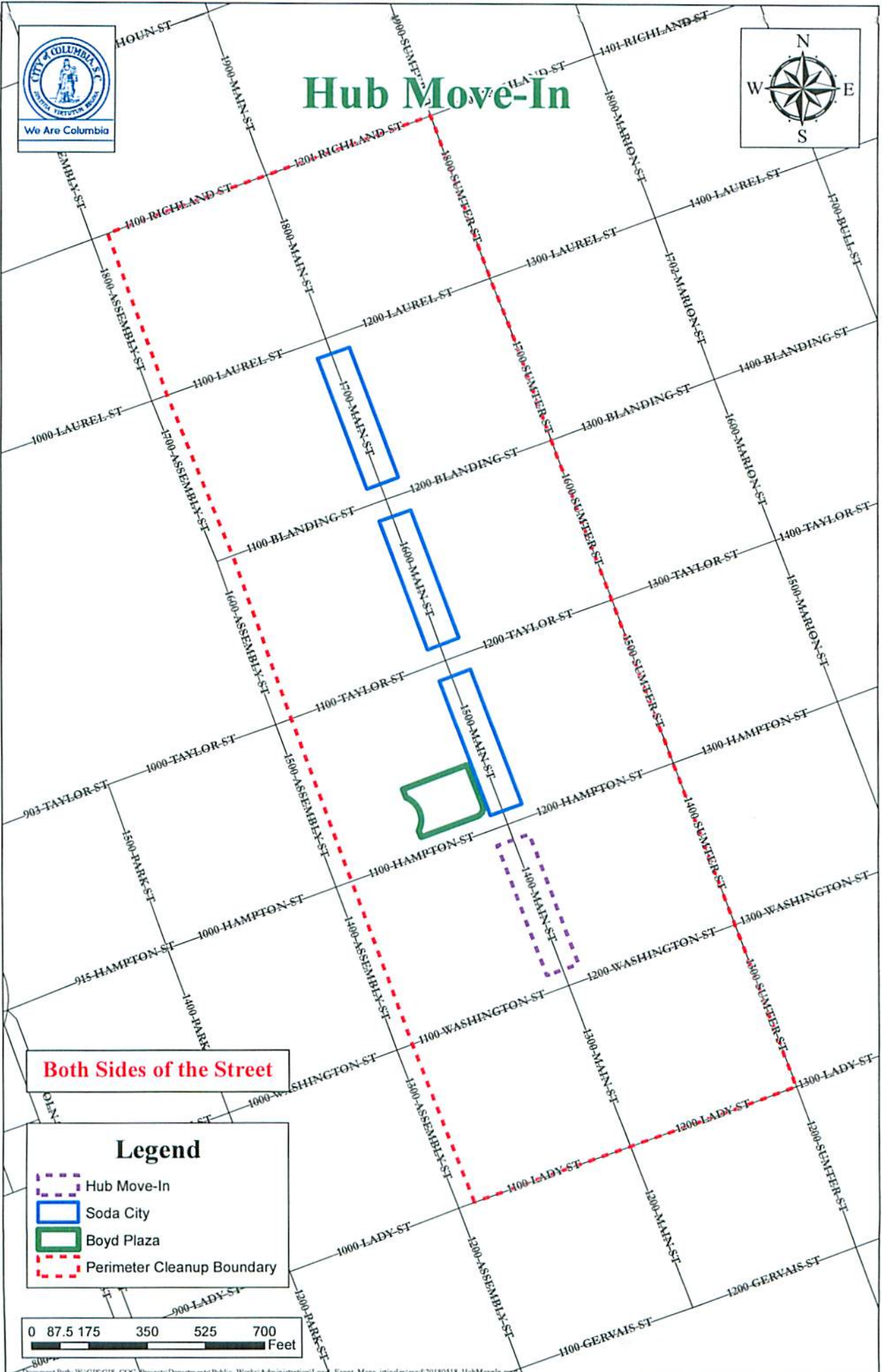
Final Reading: 7/17/2018

ATTEST:

  
City Clerk



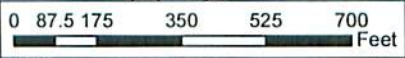
# Hub Move-In



**Both Sides of the Street**

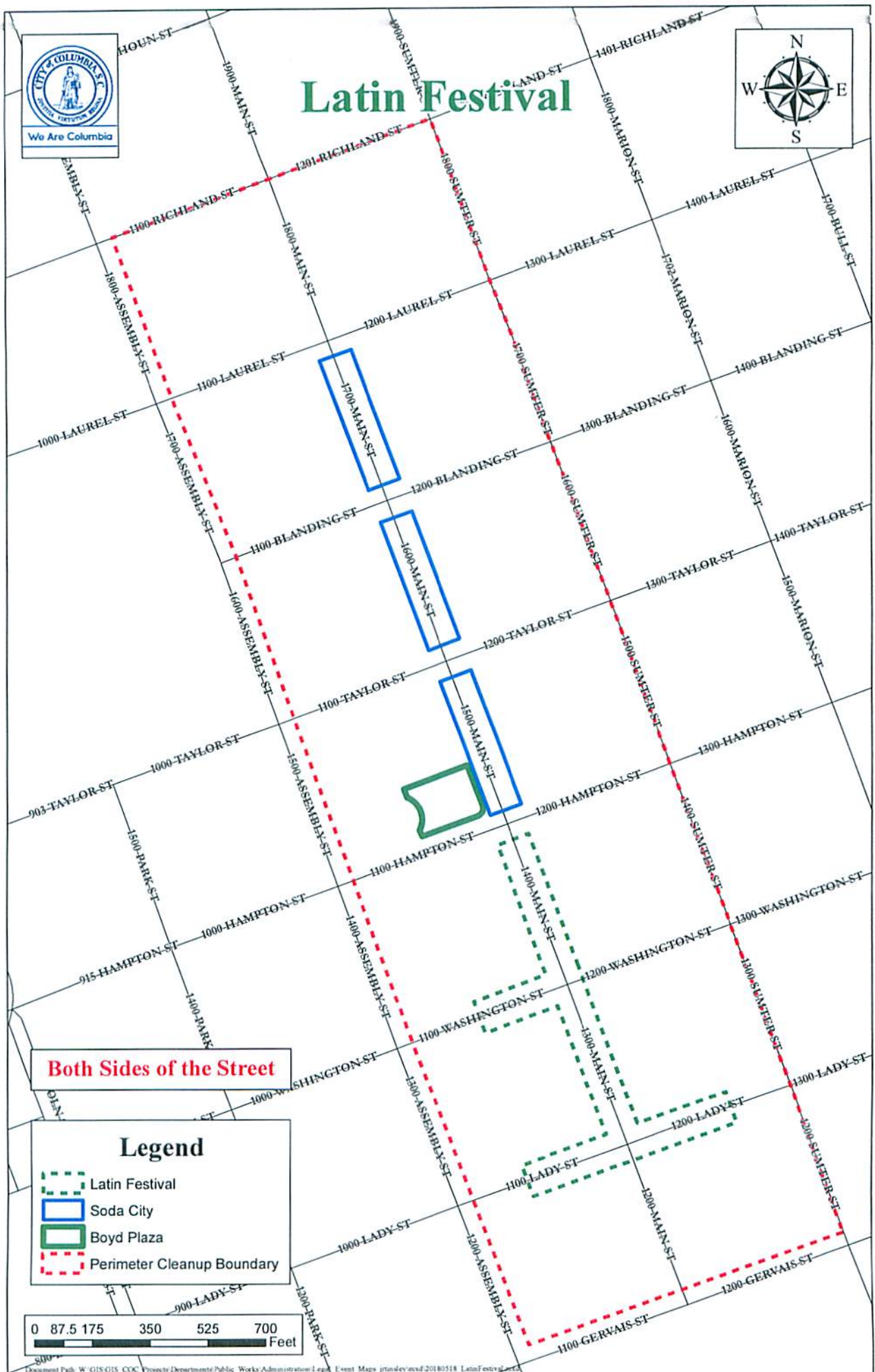
**Legend**

-  Hub Move-In
-  Soda City
-  Boyd Plaza
-  Perimeter Cleanup Boundary





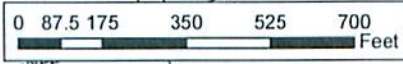
# Latin Festival



Both Sides of the Street

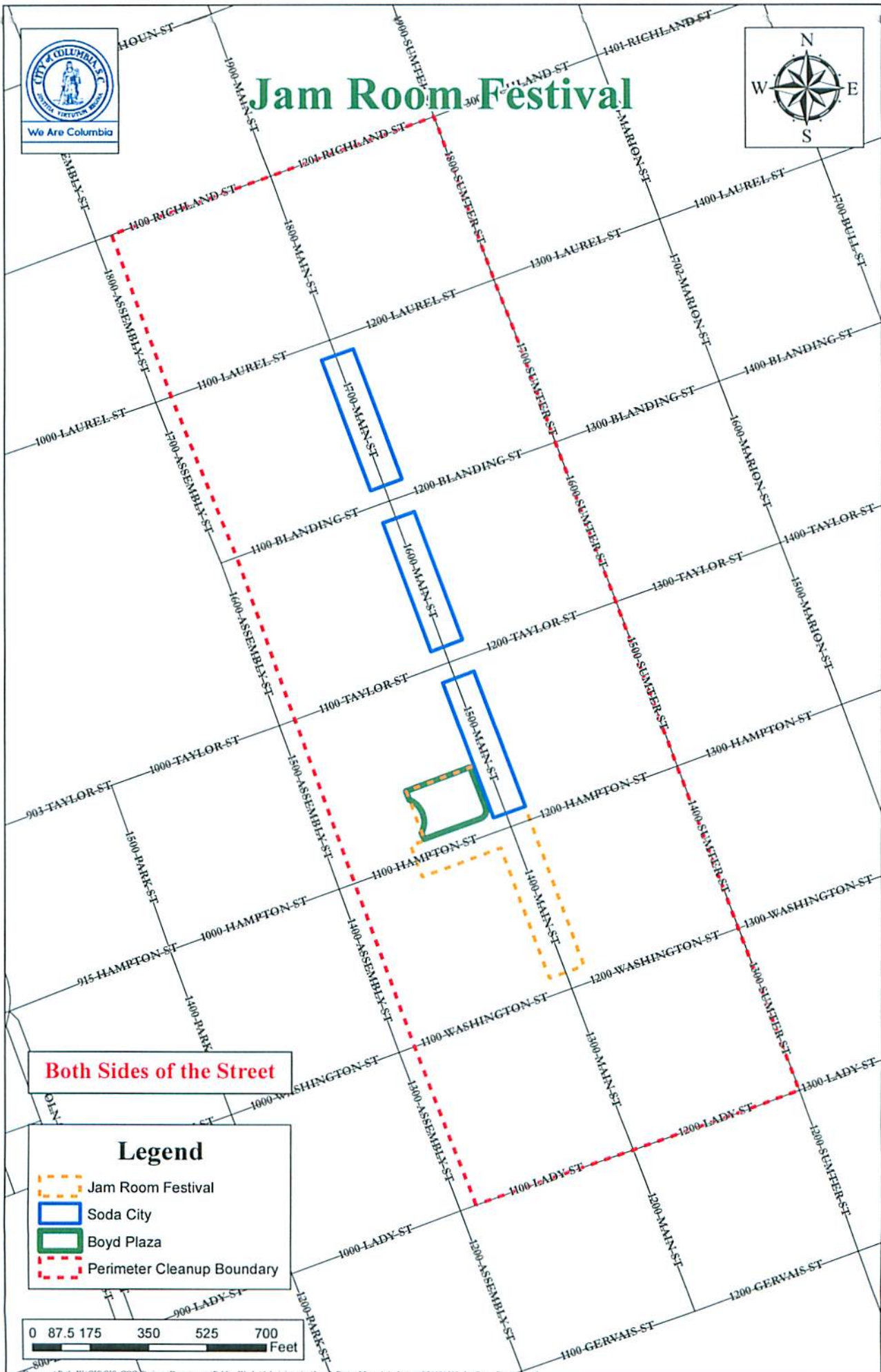
**Legend**

- Latin Festival
- Soda City
- Boyd Plaza
- Perimeter Cleanup Boundary





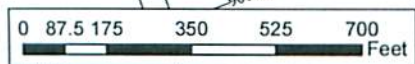
# Jam Room Festival



Both Sides of the Street

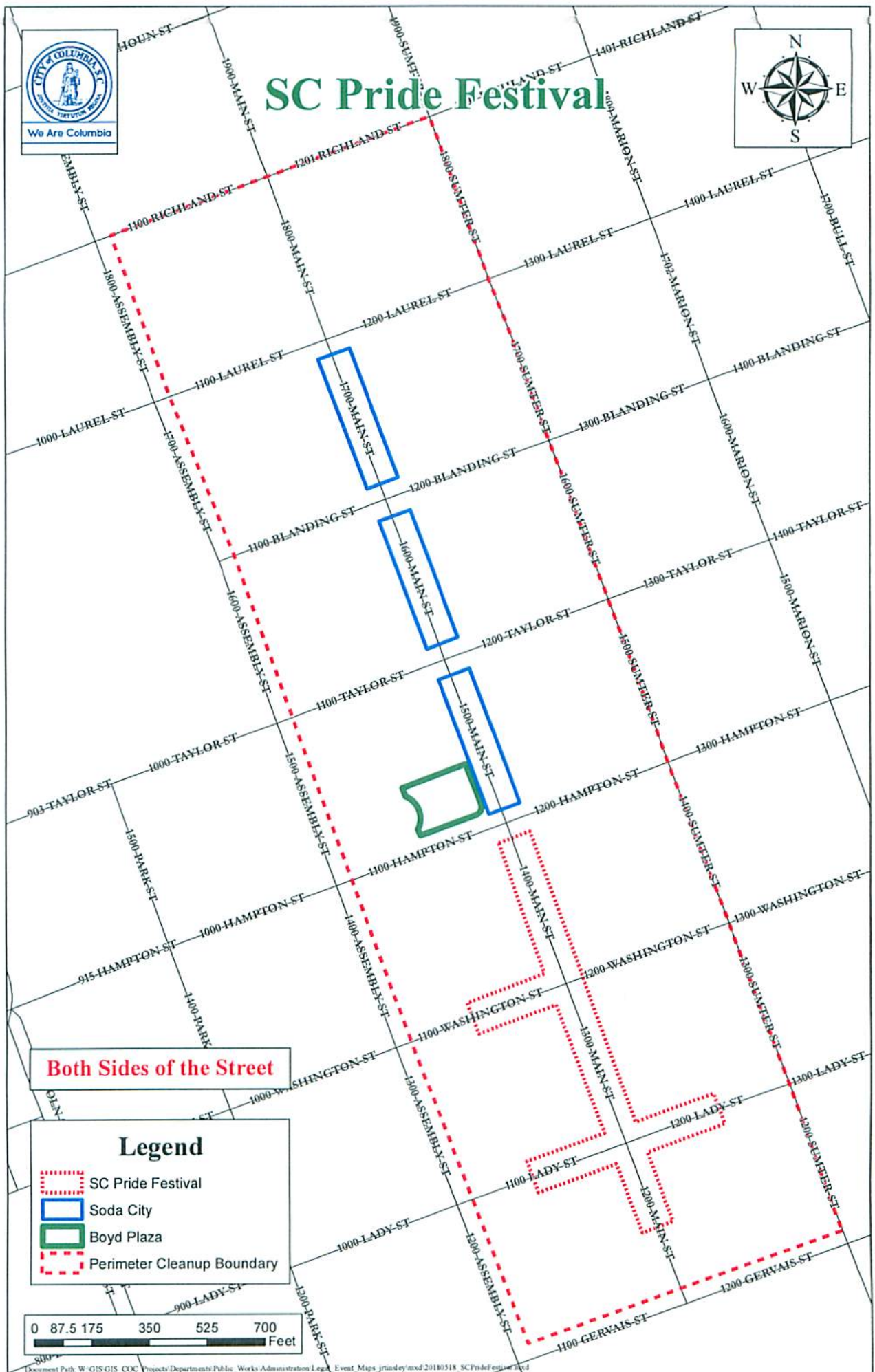
**Legend**

- Jam Room Festival
- Soda City
- Boyd Plaza
- Perimeter Cleanup Boundary





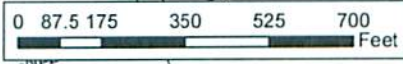
# SC Pride Festival



**Both Sides of the Street**

**Legend**

-  SC Pride Festival
-  Soda City
-  Boyd Plaza
-  Perimeter Cleanup Boundary



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RESOLUTION NO.: R-2016-025

*Amending Resolution No.: R-2015-015 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, 2016 to December, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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 approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of 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, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; 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 to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street for The Hub move-in dates, the Latin, SC Pride and Jam Room Music festivals only*

WHEREAS, on December 1, 2015, City Council approved Resolution No.: R-2015-105, a copy of which is attached hereto and incorporated herein by specific reference, 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, 2016 to December, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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 approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of 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, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in compliance; and,

WHEREAS, Resolution No.: R-2015-105 reserved the right unto the City to negotiate with the Market Organizer and other parties to accommodate unplanned events that the City deems extraordinary, including but not limited to SC Pride, JamFest and the Latin Festival; and,

WHEREAS, the City has negotiated with the organizers of the events, market and merchants in the 1600 block of Main Street, to allow for the relocation of the market from the 1400 block of Main Street to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street, only for The Hub move-in days, Latin, SC Pride and Jam Room Music festivals, provided that:

1. SC Pride shall obtain a resolution of City Council to utilize the half block area of the 1200 block of Main Street north of the entrance to the parking garage located behind 1221 Main Street to allow for ingress and egress to the parking garage; the half block area of the 1200 block of Lady Street west of the entrance to the First Citizens Bank and Trust parking lot to allow for ingress and egress to parking lot; the half block area of the 1100 block of Lady Street east of the entrance into the parking garage located behind 1227 Main Street to allow for ingress and egress into the parking garage; the 1300 and 1400 blocks of Main Street; the half block area of the 1100 block of Washington Street east of the parking lot located behind 1401 Main Street and the Washington Street garage to allow for ingress and egress to the parking lot and garage; the half block area of the eastern 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot; and,

2. The Latin Festival shall obtain a resolution of City Council to utilize the 1300 and 1400 blocks of Main Street; the western half block of the 1200 block of Lady Street to the entrance of the parking lot located behind the First Citizens building; the eastern half block of the 1100 block of Lady Street to the entrance of the parking garage located behind 1122

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Lady Street; and the eastern half block of the 1100 block of Washington Street to the entrance of the parking lot located behind 1401 Main Street and the entrance to the Washington Street parking garage; and,

3. Jam Room Music Festival shall obtain a resolution of City Council to utilize 1400 block of Main Street between Washington Street and Hampton Street, the eastern half block of the 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress into the parking lot; and Boyd Plaza, from 4:00 a.m. until 10:00 p.m. Saturday, November 12, 2016 for set up, clean up, and staging of the event to be held in the 1400 block of Main Street between Washington Street and Hampton Street, the eastern half block of the 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress into the parking lot, and Boyd Plaza; and,

WHEREAS, it has been determined that the relocation of the market from the 1400 block of Main Street to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street only for The Hub move-in days, Latin, SC Pride and Jam Room Music festivals, would be in the public interest; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council this 4th day of April, 2016, that Resolution No.: R-2015-105, approved by City Council on December 1, 2015, 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, 2016 to December, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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, except during The Hub move-in days, Latin, SC Pride and Jam Room Music festivals, and approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of 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, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in compliance is amended to allow for the relocation of the market from the 1400 block of Main Street to the 1600 block of Main Street, excluding the sidewalk areas and without closing the intersection of Taylor Street and Main Street only, provided that:

1. SC Pride shall obtain a resolution of City Council to utilize the half block area of the 1200 block of Main Street north of the entrance to the parking garage located behind 1221 Main Street to allow for ingress and egress to the parking garage; the half block area of the 1200 block of Lady Street west of the entrance to the First Citizens Bank and Trust parking lot to allow for ingress and egress to parking lot; the half block area of the 1100 block of Lady Street east of the entrance into the parking garage located behind 1227 Main Street to allow for ingress and egress into the parking garage; the 1300 and 1400 blocks of Main Street; the half block area of the 1100 block of Washington Street east of the parking lot located behind 1401 Main Street and the Washington Street garage to allow for ingress and egress to the parking lot and garage; the half block area of the eastern 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot; and,

2. The Latin Festival shall obtain a resolution of City Council to utilize the 1300 and 1400 blocks of Main Street; the western half block of the 1200 block of Lady Street to the entrance of the parking lot located behind the First Citizens building; the eastern half block of the 1100 block of Lady Street to the entrance of the parking garage located behind 1122 Lady Street; and the eastern half block of the 1100 block of Washington Street to the entrance of the parking lot located behind 1401 Main Street and the entrance to the Washington Street parking garage; and,

3. Jam Room Music Festival shall obtain a resolution of City Council to utilize 1400 block of Main Street between Washington Street and Hampton Street, the eastern half block of the 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress into the parking lot; and Boyd Plaza, from 4:00 a.m. until 10:00 p.m. Saturday, November 12, 2016 for set up, clean up, and staging of the event to be held in the 1400 block of Main Street between Washington Street and Hampton Street, the eastern half block of the 1100 block of Hampton Street adjacent to Boyd Plaza to the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress into the parking lot, and Boyd Plaza; and,



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BE IT FURTHER RESOLVED that Resolution R-2015-105 is further amended as follows:

(1) 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,

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

(3) The market organizer shall conduct himself in accordance with his role as positive promoter and de facto goodwill ambassador 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 ambassador of the City, the City, at its sole option, may immediately terminate this Agreement; and,

(4) The Columbia Police Department shall strictly enforce all terms, conditions, and requirements set forth in Resolution No.: R-2015-105 and its incorporated attachments approved by City Council on December 1, 2015, this Amendment and the amendments to Resolution No.: R-2015-105 outlined hereinabove; and

(5) In the event the Organizer fails to strictly perform and comply with all terms, conditions and requirements set forth in Resolution No.: R-2015-105 and its incorporated attachments approved by City Council on December 1, 2015, this Amendment and the amendments to Resolution No.: R-2015-105 outlined hereinabove, or if the City, in its sole discretion 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.

BE IT FURTHER RESOLVED that with the exception of the events outlined hereinabove, the remainder of Resolution R-2015-105 as approved by City Council on December 1, 2015, a copy of which is attached hereto and incorporated herein, shall remain in full force and effect.

Requested by:


Assistant City Manager Gentry

  
Mayor

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 4/5/2016  
Final Reading: 4/5/2016

RESOLUTION NO.: R-2015-105

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*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, 2016 to December, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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 approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile Del'elice for use of 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, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in compliance*

WHEREAS, Emile Del'elice ("Organizer") is organizing an open air market to be held within the 1500 block of Main Street between Hampton Street and Taylor Street, excluding Boyd Plaza and sidewalk areas, and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street between Hampton Street and Taylor Street without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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, for Soda City from 9 a.m. to 1 p.m. on Saturdays from January 2, 2016 through December 31, 2018. The City of Columbia reserves the right to negotiate with the Market Organizer and other parties to accommodate unplanned events that the City deems as extraordinary including but not limited to SC Pride, Jamfest, Latin Festival; and,

WHEREAS, Organizer has requested permission for the temporary closing and use of the 1500 Block of Main Street and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street between Hampton Street and Taylor Street without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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, 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 2, 2016 through December 31, 2018, 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 1400 block of Main Street between Hampton Street and Taylor Street without closing the intersection of Hampton Street and Main 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 by 12:00 p.m. (noon) on Monday before the market; and,

WHEREAS, potential expansion of the Market beginning in 2017 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. For the initial expansion 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 12:00 p.m. (noon) on Monday before the market; and,

WHEREAS, Organizer has further requested that the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street as depicted on the attached drawing as Exhibit "I" be approved as a permanent alternate site location for the Market so that during certain events, such as inclement weather, the market could be relocated; 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,

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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. Pay the City of Columbia \$1 per vendor to cover the costs for internal services to include electricity. Payment is required monthly; check should be delivered to Public Works Administration office on the Tuesday following the last Saturday of the month market.

3. Be responsible for vendors' tents and tables. All equipment shall be set up within the parking space areas only within the 1500 blocks of Main Street as shown on the attached Exhibit "A", and based on growth and/or seasonal fluctuations the 1400 block of Main Street excluding the sidewalk areas and without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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, or due to inclement weather or during certain other events the rear bay area of the first floor of the City Center Parking Garage located on 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 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.

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 1st day of December, 2015, 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.; and,

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 Emile Defelice ("Organizer") and City of Columbia for use of 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 without closing the intersection of Hampton Street and Main Street excluding the sidewalk areas and based on growth and/or seasonal fluctuations in 2017 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, for South City or due to inclement weather or during certain other events the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street, with the exception of sidewalk areas, parking areas, adjacent garage and off-street parking areas attached hereto as Exhibit "E" and incorporated herein; and,

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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 during certain events, such as inclement weather, the market will be relocated to the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street as depicted on the attached Exhibit "E", which will be used as a permanent alternate location; and,

BE IT FURTHER RESOLVED that should the Market Organizer or City of Columbia recommend relocation of the market to the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street as depicted on the attached Exhibit "F", 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 change by 12:00 p.m. (noon) on Friday before the market. The Market Organizer will also be responsible for notification of vendors for such location change. Inclement weather shall be defined as weather-related events that might cause safety issues for vendors and/or customers, including high winds, torrential or continuous rain, thunderstorms, ice, etc.; and,

BE IT FURTHER RESOLVED that vendor set up within the City Center Parking Garage shall be restricted to the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street as depicted on the attached drawing so as to allow for vehicular ingress and egress to the parking garage, and for the safety, ingress and egress of pedestrians; and,

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

BE IT FURTHER RESOLVED that VIP tents or VIP areas for the possession and consumption of alcoholic liquors or alcoholic beverages within either event area location are 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 limited to ~~three (3) trucks~~ and 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 should the market be relocated to the City Center Parking Garage that tents and food trucks shall be prohibited and all vendors shall be restricted to the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street as depicted on the attached drawing as Exhibit "F" so as to allow for vehicular ingress and egress to the parking garage, and for the safety, ingress and egress of pedestrians; 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 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 without closing the intersection of Hampton Street and Main Street and based on growth and/or

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seasonal fluctuations in 2017 expanding into the 1400 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, for Soda City with the exception of the parking areas, adjacent off-street parking areas and other areas posted as to not allow alcoholic beverages, or due to inclement weather or during certain other events the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street, 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 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 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 without closing the intersection of Hampton Street and Main Street and based on growth and/or seasonal fluctuations in 2017 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, with the exception of the parking areas, adjacent off-street parking areas and any other areas posted as to not allow alcoholic beverages or due to inclement weather or during certain other events the rear bay area of the first floor of the City Center Parking Garage located on Taylor Street, 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.

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.

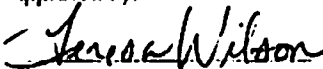
PROVIDED, HOWEVER, that no solicitation or transactions be made in violation of Sec. 14-32, 1998 Code of Ordinances of the City of Columbia, South Carolina.

Requested by:

Assistant City Manager Centry

  
\_\_\_\_\_  
Mayor

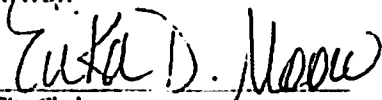
Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

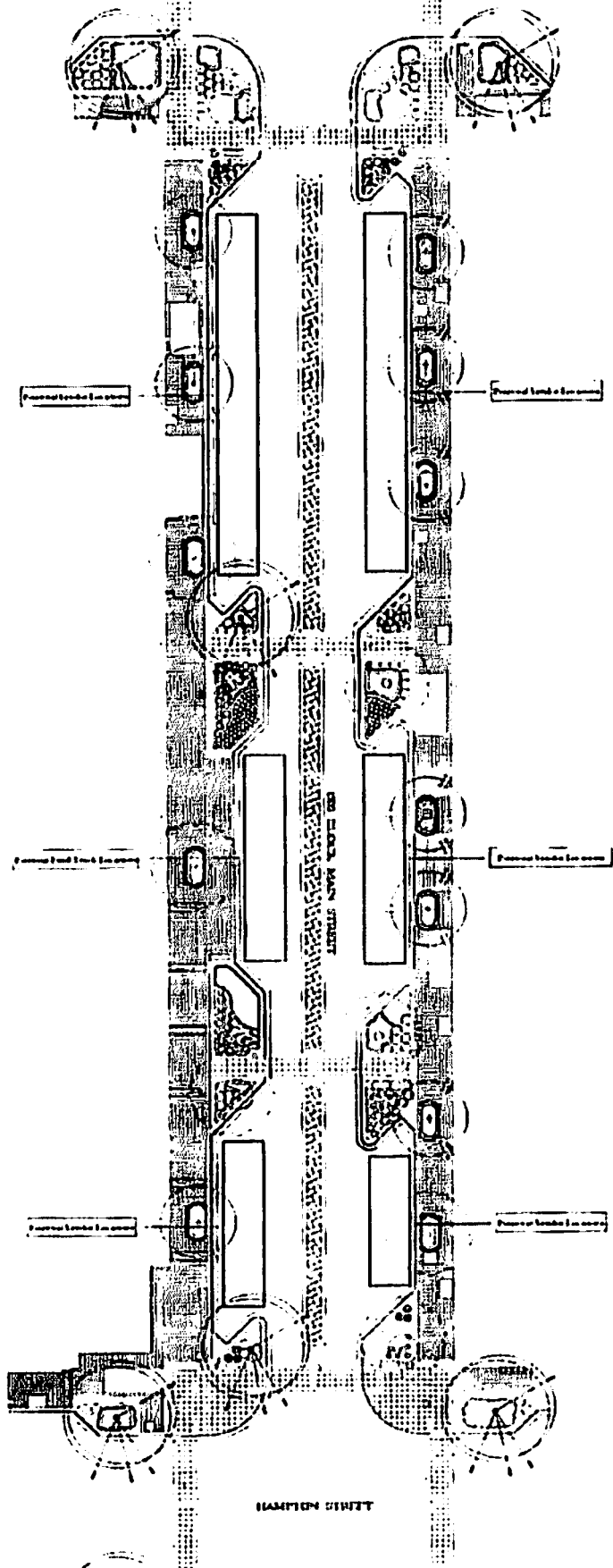
AJ/TTSJ:

  
\_\_\_\_\_  
City Clerk

Introduced:

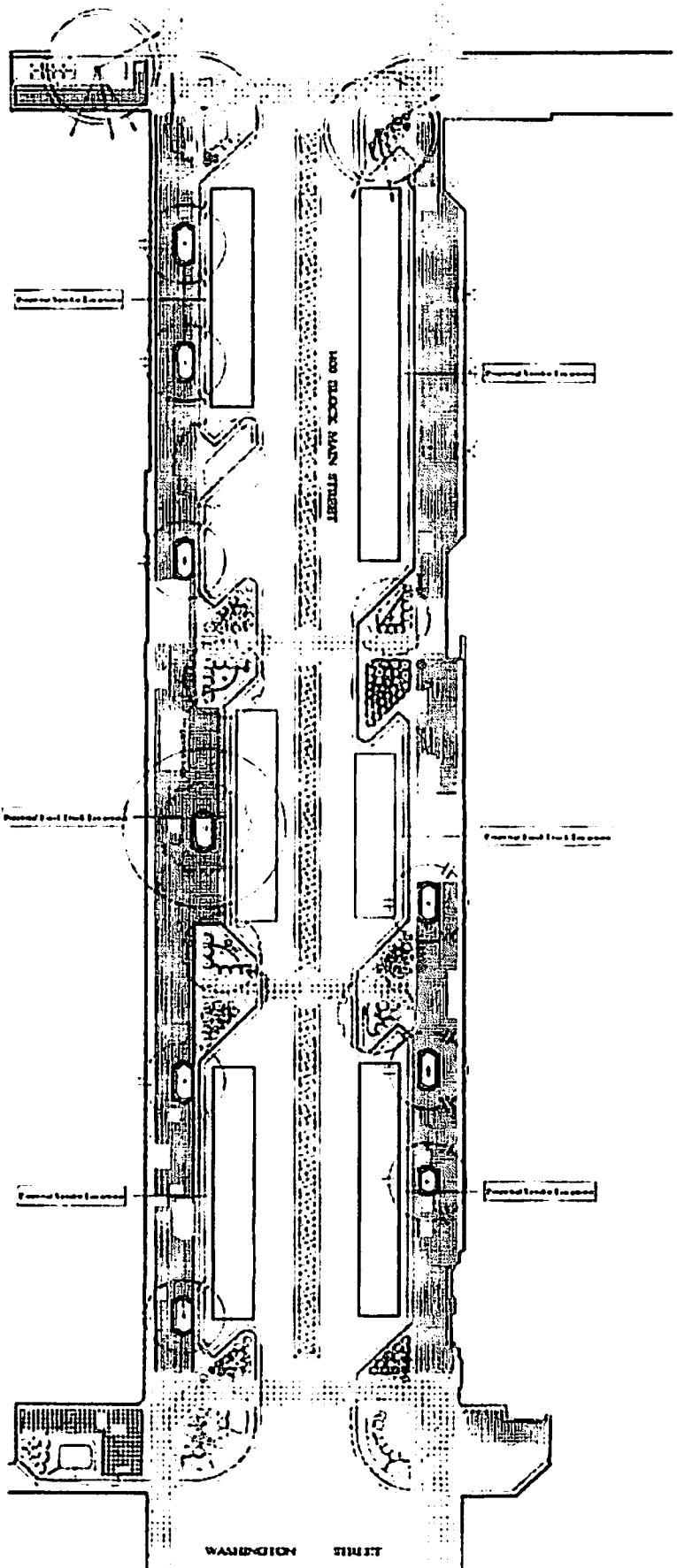
Final Reading:

TAYLOR STREET



HAMPTON STREET

HAMBURG STREET



WASHINGTON STREET

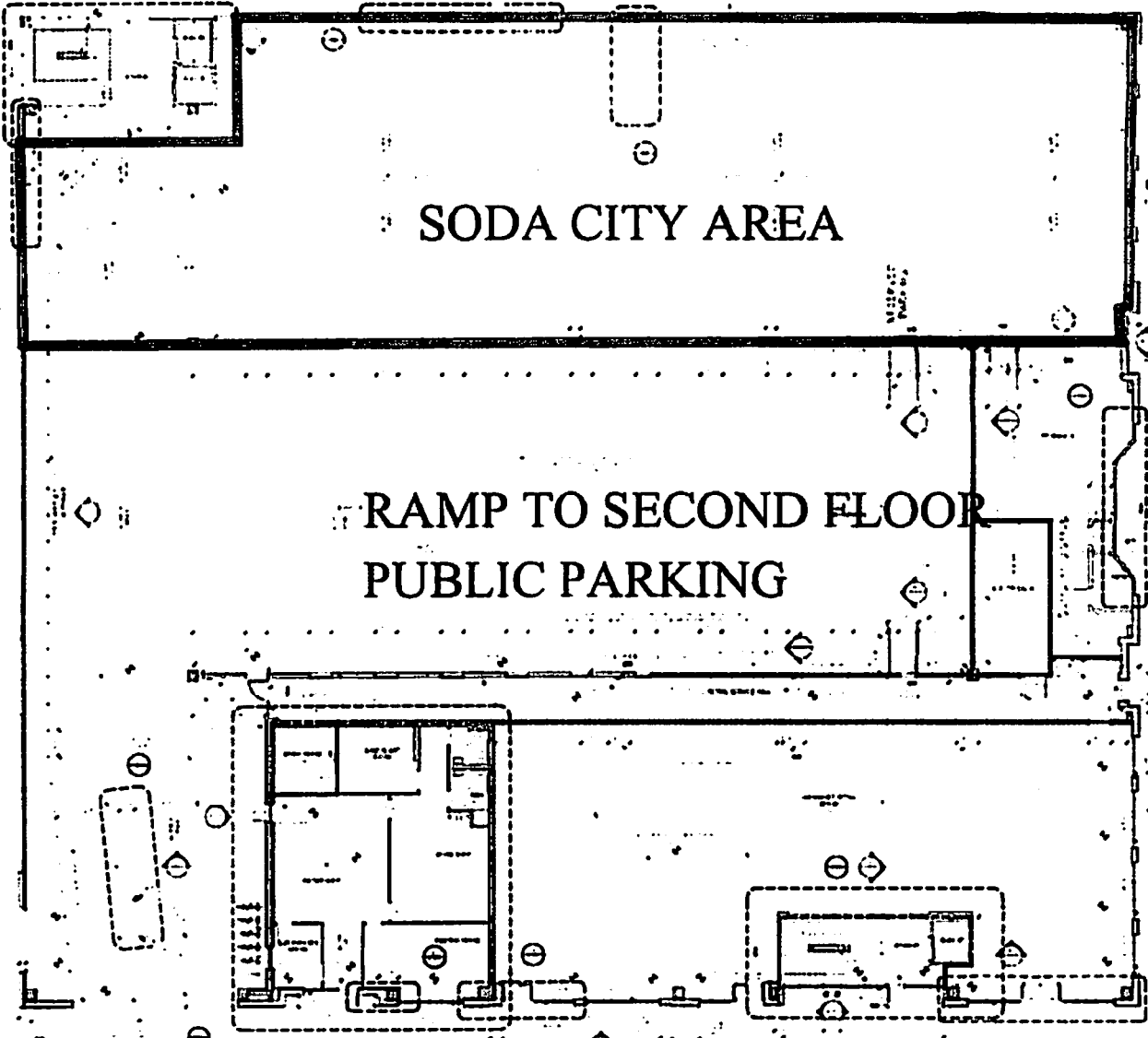
EXHIBIT "F"

SODA CITY AREA

RAMP TO SECOND FLOOR  
PUBLIC PARKING

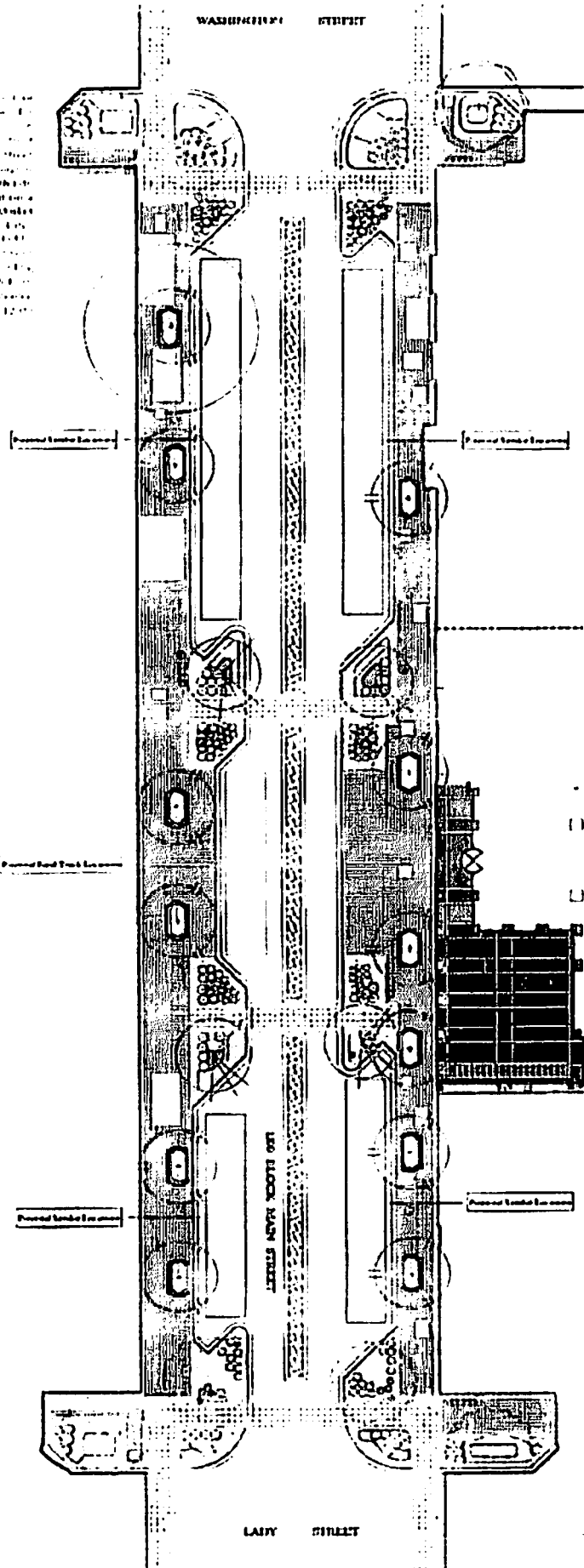
TAYLOR STREET

41 GROUND FLOOR PLAN





This plan shows the proposed layout for the  
 building on the corner of Washington Street  
 and 150th Street. The building is to be  
 a three-story structure with a total area  
 of approximately 10,000 square feet. The  
 ground floor is to be used for retail  
 purposes, the second floor for offices,  
 and the third floor for a warehouse.  
 The building is to be constructed of  
 brick and concrete. The proposed  
 layout shows the location of the main  
 entrance, the elevators, and the  
 various rooms and corridors. The  
 building is to be situated on the  
 corner of Washington Street and 150th  
 Street, and is to be bounded by  
 Washington Street to the north, 150th  
 Street to the east, and the proposed  
 alleyway to the south. The building  
 is to be constructed in accordance  
 with the requirements of the City  
 Building Code. The proposed layout  
 is shown on this plan for the market.



## **EXHIBIT "B"**

A. Vendors must be licensed to conduct business in the State of South Carolina. The State requires all vendors (including resellers), with the exception of farmers, to secure a South Carolina retail license and post it at their booth each week for the entire event.

B. Vendors must have a current City of Columbia business license and are to be responsible for the collection and remittance of hospitality taxes to the City of Columbia.

C. Vendors are responsible for their own taxes (including sales tax), necessary permits, inspections (food, agricultural & nursery plants), and license liabilities.

D. All vendors planning to sell any food product see 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.

E. The state of South Carolina does not allow any food items for public sale to be manufactured in a home kitchen, except for those food items being sold pursuant to and in compliance with the South Carolina Cottage Food Bill. Any process where exposed food is mixed, repacked, packaged and/or cooked is considered food manufacturing and falls under SCDA/FDA jurisdiction. Any sauce, pickled food, bottled product and/or canned food must be sent to a Process Authority (Clemson University of N.C. State) for analysis prior to sale.

F. Farms and nurseries are required to fulfill the South Carolina Department of Agriculture's "SC Certified" application process. Nursery growers are required to comply with South Carolina's Nursery Regulations.

G. Weights and measures are expected to be in accordance with local, state and federal laws and regulations.

### **Agricultural Sellers**

- Corn Meal and Grits – corn checked by SCDA, Grist Mill Inspection SCDA, Inspection Report/Registration Number SCDA, approved SCDA labeling
- Dairy – SCDHEC Dairy regulations
- Cheese – contact SCDA
- Eggs – SCDA wholesale license, approved USDA labeling / washing / inspection / grading
- Honey – Honey House inspection SCDA, approved SCDA labeling
- Meat (poultry, beef, pork, and lamb) – SC Meat & Poultry registration, inspection, become Registered Meat Handler, inspection mark of SCMPID or USDA on meat, liability insurance
- Meat (rabbit, quail, alligator) – SCDA certification
- \*\*Certified SC Grown – SCDA registration

### **Non-Agricultural Sellers**

- Ocean Fish (whole and unprocessed) – contact DNR, Wholesaler License
- Ocean Fish (processed, dressed) – course/plan HACCP FDA, facility inspection/registration SCDA, wholesaler or commercial fisherman license, liability insurance
- Boiled Peanuts (off-sight) -- SCDA or SCDHEC inspected and registered facility, approved SCDA labeling
- Baked Goods, Candy, Nuts -- SCDHEC or SCDA registration, approved SCDA labeling
- Owners of DHEC approved bakery / restaurant: SCDHEC catering or retail food license, retail Grade "A" permit
- Canned, Jarred, Bottled Foods – required analysis at Clemson or NC State, SCDHEC or SCDA approved and registered manufacturing facility

**EXHIBIT 'C'**  
**SOUTH CAROLINA DEPARTMENT OF AGRICULTURE**  
**Food Safety and Compliance Guidelines**

All vendors must follow the following guidelines and provide documentation at the booths to sell any items listed below.

**Corn Meal and Grits**

Corn checked for aflatoxins by SCDA Lab 803-737-9700

Grist Mill Inspection by SCDA 803-737-9690

Provide copy of current SCDA Inspection Report/Registration Number.

Proper labeling with name of product, ingredient list, name and address of manufacturer and net weight that has been reviewed by SCDA for compliance.

**Dairy**

SC DHEC Dairy Division handles all regulations and requirements regarding fluid milk products. 803-896-0644

SCDA handles cheese and cheese products. 803-737-9690

All products crossing the state line will be under the jurisdiction of the Food and Drug Administration and/or US Dept of Agriculture/Food Safety Inspection Service.

Keep at 45 degrees or lower at market. Label samples, "Display only".

Provide copy of current liability insurance.

**Eggs**

Provide copy of SCDA current wholesale license

Provide copy of current liability insurance

Keep eggs at 45 degrees or lower at market.

Label your sample carton, "Display only-Not for Sale."

Eggs must be washed, properly labeled, inspected and graded according to USDA Standards. 803-737-9690

A "packed on" or expiration date must be printed on all cartons/labels.

**Fish and Seafood**

Whole and unprocessed fish and seafood are under the Dept. of Natural Resources (DNR). 803-734-3886

**Commercial Fisherman License and/or a Wholesaler's License is required to sell to public, including Farmers Market (call 843-953-9036 to apply).**

**Processed, dressed, gutted, scaled Fish**

Complete a seafood HACCP course provided by FDA and have a HACCP plan.

Provide copy evidence of completion of HACCP course/plan

Use of an inspected and registered facility (fish house) by SCDA.

Provide inspection report for your DHEC or SCDA approved facility or letter giving you permission to use another facility and copy of inspection report.

Provide copy of commercial fisherman's license.

Provide copy of current liability insurance.

### Honey

\_\_\_ Honey is a processed food and must be cut, extracted and packaged in an SCDA approved (inspected) and registered Honey House.

\_\_\_ Provide copy of current Inspection Report for your facility and letter from shared honey house verifying use.

\_\_\_ Honey must be properly labeled with Name of product, name and address of manufacturer, and net weight. Label must be in compliance with SCDA laws.

\_\_\_ Honey exemption (sales to end consumer, less than 150 gal/Yr, complete exemption form); Must be labeled.

### Meat

Poultry, beef, pork and lamb is regulated by SC Meat and Poultry Inspection Division, Clemson Livestock, Poultry and Health, 500 Clemson Road, Columbia, SC. All products crossing the state line will be under the jurisdiction of the Food and Drug Administration and/or US Dept of Agriculture/Food Safety Inspection Service.

\_\_\_ Must become a Registered Meat Handler to sell meat at farmers market (no cost) Door-to-door Meat firms must comply with SC Weights and Measure Laws. 803-737-9690

\_\_\_ Inspection mark on meat (either SCMPID establishment # or USDA #) 803-788-8747

Meat must be kept frozen at 0° F or less/ kept refrigerated at 45°F or less

\_\_\_ Provide copy of current liability insurance.

### Peanuts

Boiled peanuts must be boiled, kept hot and bagged on site. No label required. (See exception)

Other types of peanuts and nuts that are prepackaged must be prepared in an inspected and registered off site facility by SCDA. Approved kitchen and labeled with name of product, ingredient list, name and address of manufacturer and net weight.

\_\_\_ Provide inspection report for your DHEC or SCDA approved facility or letter giving you permission to use another facility and copy of inspection report.

### Baked Goods, Candy, Covered nuts

Baked goods, candy, covered nuts must be prepared in an inspected facility.

\_\_\_ Provide inspection report for your DHEC or SCDA approved and registered facility and letter giving you permission to use another facility and copy of inspection report.

\_\_\_ Use an approved label (State and federal law)! Derek Underwood, 803-737-9690, SCDA will work with you.

\_\_\_ Vendors who are owner operators of a DHEC approved bakery or restaurant can sell certain foods at the farmers market under their catering license or retail food license issued by SCDHEC 803-896-0640. Must post or provide retail Grade "A" permit at point of sale.

\_\_\_ Provide current inspection report for bakery or restaurant

### Canned/jarred/bottled Foods

\_\_\_ Canned/jarred/bottled Foods (jams, jellies, sauces, chow-chow and pickled foods) must be sent to Clemson University or NC State Univ. for analysis.

\_\_\_ Attendance required at Better Process Control School, FDA and SCDA registration, etc, for pickled foods.

**Illegal home canned foods are hazardous and cannot be sold. DHEC or SCDA registered facility must be used. Derek Underwood will work with you on how to manufacture canned foods.**

       **Provide documentation from SCDA that foods are approved for market**

### **Organic Products**

**Organic Certification is required to advertise that you are selling organic products. Certificate should be displayed.**

       **Provide copy of certificate**

**Clemson University's Department of Plant Industry is a USDA approved Accredited Certifying Agent. This accreditation allows DPI (Department of Plant Industry) to certify organic operations in the three major categories of certification. Those three categories are crops, livestock and processing. For more information concerning organic certification, please send an email Kyle Stephens, rstphns@clemson.edu or call 864-646-2140.**

### **Certified SC Grown**

**Membership in the Certified South Carolina Program is made by application to and acceptance by the South Carolina Department of Agriculture. All farm producers, food manufacturers, specialty food producers, packing facilities and others engaged in the production or manufacture of agricultural products in South Carolina are eligible to apply. Applications are on the web <http://agriculture.sc.gov> or call Ansley Rast Turnblad at [arast@scda.sc.gov](mailto:arast@scda.sc.gov) or call 803-734-2210. Members should display Certified South Carolina Grown logo.**

**Derek Underwood, 803-737-9690, SCDA will work with you on any requirements where SC Department of Agriculture must give approval. SCDA regulates farmers markets in South Carolina.**

### **Nursery Stock**

***To sell nursery stock at the Soda City Market certified producers must adhere to the following standards:***

- 1. Possess a valid nursery license or dealer license from the state of South Carolina, whether fee exempt or commercial.**
- 2. Comply with pest cleanliness quality and patent regulations (ie. knock out roses).**
- 3. Possess verification that the nursery stock they sell is of their own production. Records must be kept for a period of not less than 12 months, and include the date and source of materials. Production shall mean:**

**a. Plants are in the possession and control of the certified producer for not less than 90 days from purchase or from the date of first planting in the case of sexual (seeds) and vegetative-aseual (cuttings, grafting, etc.)**

**For more information contact:**

**Eric Hitzler, State Plant Inspector; (864)646-2140; [ehitzlr@clemson.edu](mailto:ehitzlr@clemson.edu); Clemson University, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670; <http://dpi.clemson.edu>**

**Disclaimer: The guidelines contained in Exhibit "B" and "C" are meant for educational purposes only. Please contact State Compliance Manager, Derek Underwood for appropriate contact, regarding your individual food safety and compliance issue.**

**EXHIBIT 'D'**  
**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

In consideration of being permitted to participate as a vendor in the Soda City open air farmers' market ("Market") sponsored by the City of Columbia and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, does hereby agree to **INDEMNIFY AND HOLD THE CITY OF COLUMBIA**, its employees, officers, agents and/or contractors **HARMLESS** from and against any and all claims, demands, actions, liens, judgments, claims for property damage or personal injury or other liability of any nature whatsoever and without limitation, arising from, out of or a result of my participation as a vendor in the Market sponsored by the City of Columbia.

I acknowledge that I have read and understand this Indemnification and Hold Harmless Agreement, and I agree to be legally bound by it.

\_\_\_\_\_  
Vendor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Vendor's Name (Please Print)

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**EXHIBIT "E"**

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF RICHLAND                )            **AGREEMENT TO ORGANIZE AND  
OPERATE AN OPEN AIR FARMERS' MARKET  
(Resolution R-2015-105)**

WHEREAS, Emile DeFelice ("Organizer") is organizing and is to operate Soda City, an open air farmers' market ("Market"), to be held from January 2, 2016 to December 31, 2018 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 without closing the intersection of Hampton Street and Main Street, and based on growth and/or seasonal fluctuations in 2017 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 in the event of inclement weather or certain other events use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site; and,

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

WHEREAS, the City of Columbia Council has enacted Resolution No. R-2015-105 authorizing the said event and imposing certain terms, conditions and requirements to be met by the Organizer in order to organize and operate the Market; and,

WHEREAS, the City is desirous of binding the Organizer to such terms, conditions and requirements to be met by the Organizer in order to organize and operate the Market as set forth in the aforesaid resolution, NOW, THEREFORE,

FOR AND IN CONSIDERATION of being permitted to organize and operate the Market sponsored by the City of Columbia and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

1. The Organizer does hereby agree to be fully bound by, strictly perform and comply with all terms, conditions and requirements set forth in Resolution No. R-2015-105, a copy of which is attached hereto and incorporated herein by specific reference thereto and the City agrees to allow the Organizer to organize and operate the Market pursuant to the aforesaid resolution, provided that that the dates and times of the Market do not conflict with other events which may be held in the 1500 block of Main and/or Boyd Plaza. The City of Columbia reserves the right to negotiate with the Market Organizer and other parties to accommodate unplanned events that the City deems as extraordinary.

2. The Organizer shall provide the City (Public Works) with a Market layout listing the vendors that will participate in the event and their tent location for the event by Friday noon of each week prior to each Saturday event. Organizer shall also provide with the Market layout properly executed vendor indemnification and hold harmless agreements from each vendor that will participate in that Saturdays' event.

The event shall be revenue neutral to the City and the Organizer shall pay all costs incurred for the Market, including but not limited to police, fire, which are listed by way of illustration and not limitation. Organizer shall pay such costs to the City by noon on the Wednesday following each Saturday event.

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

In further consideration of being permitted to organize and operate the Market sponsored by the City of Columbia and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Organizer, does hereby agree to **INDEMNIFY AND HOLD THE CITY OF COLUMBIA**, its

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employees, officers, agents and/or contractors HARMLESS from and against any and all claims, demands, actions, liens, judgments, claims for property damage or personal injury or other liability of any nature whatsoever and without limitation, arising from, out of or a result of operation of the Market sponsored by the City of Columbia, including those arising from vendor or customer participation in the market. Organizer acknowledges that he has read and understands this Indemnification and Hold Harmless provision and agrees to be legally bound by it.

This document contains the entire Agreement between the Organizer and the City. No modification, amendment or waiver of any provision of this Agreement shall be effective unless in writing by both parties.

This Agreement shall be construed in accordance with the laws of the State of South Carolina.

Written notice to the City shall be made by placing such notice in the United States Mail, postage prepaid, and addressed to: City of Columbia, Attn: City Manager, Post Office Box 147, Columbia, South Carolina 29217.

Written notice to the Organizer shall be made by placing such notice in the United States Mail, postage prepaid, and addressed to: 709 Woodrow Street, #220, Columbia, South Carolina 29205.

The failure of the Organizer or the City to insist upon the strict performance of any provision of this Agreement shall not be deemed to be a waiver of the right to insist upon strict performance of such provision or of any other provision of this Agreement at any subsequent time. Waiver of any breach of the Agreement by the Organizer or the City shall not constitute waiver of any subsequent breach.

Unless otherwise terminated as provided for herein, this Agreement shall terminate on December 31, 2018.

Witness the parties' respective hands and seals as of the dates reflected below.

WITNESSES:

\_\_\_\_\_

DATE: \_\_\_\_\_

ORGANIZER

\_\_\_\_\_  
Emile Defelice

WITNESSES:

\_\_\_\_\_  
*Erika D. Moore*

DATE: December 11, 2015

CITY OF COLUMBIA

BY: \_\_\_\_\_  
*Teresa B. Wilson*

ITS: City Manager