

RESOLUTION NO.: R-2020-094

*Authorizing consumption of beer and wine only at Soda City Main Street Holiday Market within the Biergarten Area only on Friday, November 27, Saturday, November 28 and Sunday, November 29, 2020*

WHEREAS, Emile DeFelice ("Sponsor") is sponsoring the Soda City Main Street Holiday Market to be held in the 1300 block of Main Street between Lady Street and Washington Street, including the intersection of Lady Street and Main Street and Washington Street and Main Street; the 1400 block of Main Street including the intersection of Hampton Street and Main Street; 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; the half block area of the 1200 block of Hampton Street west of the entrance of the driveway to the Marriott; and the 1500 block of Main Street between Hampton Street and Taylor Street, excluding Boyd Plaza; from 2:00 p.m. until 10:00 p.m. on Friday, November 27, 2020, from 7:00 a.m. until 10:00 p.m. on Saturday, November 28, 2020 and from 10:00 a.m. until 6:00 p.m. on Sunday, November 29, 2020; and,

WHEREAS, Sponsor has requested permission to designate a contained Biergarten area to be located within the Market footprint in the intersection of Hampton Street and Main Street, the half block area of the 1100 block of Hampton Street east of the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot; the half block area of the 1200 block of Hampton Street west of the entrance of the driveway to the Marriott; and the southern end of the 1400 block of Main Street to the brick median, excluding Boyd Plaza and the sidewalks, and to allow for a twenty (20') foot emergency lane from 2:00 p.m. until 10:00 p.m. on Friday, November 27, 2020, from 7:00 a.m. until 10:00 p.m. on Saturday, November 28, 2020 and from 10:00 a.m. until 6:00 p.m. on Sunday, November 29, 2020; and,

WHEREAS, Sponsor has requested permission for the temporary closing and use of the designated Biergarten area located in the closed portions of the intersection of Hampton Street and Main Street, the half block area of the 1100 block of Hampton Street east of the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot; the half block area of the 1200 block of Hampton Street west of the entrance of the driveway to the Marriott; and the southern end of the 1400 block of Main Street to the brick median, excluding Boyd Plaza and the sidewalks, and to allow for a twenty (20') foot emergency lane, from 2:00 p.m. until 10:00 p.m. on Friday, November 27, 2020, from 7:00 a.m. until 10:00 p.m. on Saturday, November 28, 2020 and from 10:00 a.m. until 6:00 p.m. on Sunday, November 29, 2020; for an event to be held from 4:00 p.m. until 9:00 p.m. on Friday, November 27, 2020, from 9:00 a.m. until 9:00 p.m. on Saturday, November 28, 2020 and from 12:00 p.m. until 5:00 p.m. on Sunday, November 29, 2020; and for patrons to consume beer and wine beverages only during the event hours of 4:00 p.m. until 8:30 p.m. on Friday, November 27, 2020, from 9:00 a.m. until 8:30 p.m. on Saturday, November 28, 2020 and from 12:00 p.m. until 4:30 p.m. on Sunday, November 29, 2020; and,

WHEREAS, to insure the safety of attendees Organizer understands and agrees as follows:

1. Organizer shall work with the City to develop a written plan and design a footprint of the event area that adheres to COVID-19 pandemic safety and social distancing protocols as published by the CDC and SCDHEC and shall modify the plans and footprint as safety protocols published by the CDC and SCDHEC are updated.
2. The City may cancel the event at any time based upon public safety and/or public health concerns. The City shall not be financially responsible for any costs associated with the cancellation of the event.
3. Organizer shall display signs (physical and/or electronic) throughout the event area that discourage physical contact such as hugs, handshakes, fist bumps, and high-fives during the event.
4. Organizer shall require all attendees of the event to adhere to all COVID-19 safety protocols to include but not be limited to wearing of face masks, social distancing and frequent washing of hands.
5. Organizer is required to provide portable restroom facilities at the event unless it can substantiate the sufficient availability of both ADA accessible and non-accessible facilities in the immediate area of the event site which will be available to the public during the event. Organizer is to provide a minimum of four (4) chemical or portable toilets and two (2) wash stations for every 250 people, or portion thereof who attends the event. Ten percent (10%) of these facilities should be ADA accessible. This figure is based upon the maximum number of attendees at the event during peak time. The City of Columbia may determine the total number of required restroom facilities on a case-by-case basis. Organizer shall post signs or markers to prohibit lines or crowds forming near the restroom without maintaining a distance of at least six (6) feet from other people.
6. Organizer shall post signs or markers to prohibit lines or crowds forming near food vendors and should encourage attendees to bring their own water. Alcohol, beer and/or wine shall be prohibited at the event without approval of a written resolution of City Council.



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STAMPED IN RED

7. Organizer shall coordinate with food vendors to offer touchless payment options if possible and available or provide a tray for the exchange of payment to avoid hand contact. Frequently touched surfaces should be cleaned after each customer and customers are encouraged to use their own pens.

8. At no cost to the City, Organizer shall be responsible for providing private security during the hours of 2:00 p.m. until 10:00 p.m. on Friday, November 27, 2020, from 7:00 a.m. until 10:00 p.m. on Saturday, November 28, 2020 and from 10:00 a.m. until 6:00 p.m. on Sunday, November 29, 2020 of no less than six (6) private security officers.

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 10th day of November, 2020 that the sale of beer and wine beverages only is authorized within the designated Biergarten area only between the hours of 4:00 p.m. until 8:30 p.m. on Friday, November 27, 2020, from 9:00 a.m. until 8:30 p.m. on Saturday, November 28, 2020 and from 12:00 p.m. until 4:30 p.m. on Sunday, November 29, 2020; and,

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

BE IT FURTHER RESOLVED that outdoor possession and consumption of beer and wine beverages, all outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the event to residential properties; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic beverages other than beer and/or wine beverages within the event area is prohibited; and,

BE IT FURTHER RESOLVED that VIP tents or VIP areas for the possession and consumption of alcoholic liquors or alcoholic beverages, other than beer or wine beverages, within the event area are prohibited; and,

BE IT FURTHER RESOLVED that organizer is responsible or shall make arrangements for the cleanup of all trash and debris within the festival area and within the designated area of impact as shown on the attached drawing, and shall place same in the roll carts provided by the City. Any overflow of trash and debris 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 and debris are well contained. Roll carts and bagged trash and debris 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 festival area and within the designated area of impact as shown on the attached drawing, any costs incurred by the City in removing loose trash and debris within the festival area and within the designated area of impact as shown on the attached drawing, which the organizer has failed to clean up, shall be billed to and paid by the organizer; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed within the area. All other traffic, including, but not limited to, automobiles, trucks, motorcycles, mopeds, bicycles, skate boards, and horses, except police horses, is prohibited. 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, large bags and backpacks shall be prohibited; and,

BE IT FURTHER RESOLVED that during the designated time and only within the designated Biergarten area located in the closed portions of the intersection of Hampton Street and Main Street, the half block area of the 1100 block of Hampton Street east of the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot; the half block area of the 1200 block of Hampton Street west of the entrance of the driveway to the Marriott; and the southern end of the 1400 block of Main Street to the brick median, excluding Boyd Plaza and the sidewalks, and to allow for a twenty (20') foot emergency lane, from 4:00 p.m. until 8:30 p.m. on Friday, November 27, 2020, from 9:00 a.m. until 8:30 p.m. on Saturday, November 28, 2020 and from 12:00 p.m. until 4:30 p.m. on Sunday, November 29, 2020, and with the exception of the parking areas, adjacent off-street parking areas and other areas posted as to not allow alcoholic beverages, 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, only within the designated Biergarten area located in the closed portions of the intersection of Hampton Street and Main Street, the half block area of the 1100 block of Hampton Street east of the entrance of the parking lot located behind 1441 Main Street to allow for ingress and egress to the parking lot; the half block area of the 1200 block of Hampton Street west of the entrance of the driveway to the Marriott; and the southern end of the 1400 block of Main Street to the brick median, excluding Boyd Plaza and the sidewalks, and to allow for a twenty (20') foot

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STAMPED IN RED

emergency lane, from 4:00 p.m. until 8:30 p.m. on Friday, November 27, 2020, from 9:00 a.m. until 8:30 p.m. on Saturday, November 28, 2020 and from 12:00 p.m. until 4:30 p.m. on Sunday, November 29, 2020, and with the exception of the parking areas, adjacent off-street parking areas and any other areas posted as to not allow alcoholic beverages, is deemed to be the site of a public festival at which beer and wine beverages may be consumed and the prohibition against possession or consumption of alcoholic beverages set forth in Sec. 14-99 shall not apply. Possession and consumption of beer and wine beverages shall be permitted only in plastic cups, plastic or aluminum bottles or aluminum cans 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.

BE IT FURTHER RESOLVED that should the organizer reschedule the event for another date beyond one (1) week from the date of the originally scheduled event, a request for a resolution of City Council approving the new date of the event shall be required.

Requested by:

Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

Approved by:

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

Approved as to form:

*T. A. Knox*  
\_\_\_\_\_  
City Attorney

ATTEST:

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

Introduced: 11/10/2020  
Final Reading: 11/10/2020



DATE OF REQUEST

12 OCT, 2020

REQUESTOR'S NAME/CONTACT INFORMATION (E-MAIL/PHONE #/FAX#)

Emilio De Felice 803 917 0794  
emilio@sodacitysc.com

EVENT NAME/PURPOSE (i.e., St. Patrick's/Charity Fund raiser)

MAIN ST. HOLIDAY MARKET

DATE(S) OF EVENTS: (monthly can be on one request)

FRI NOV 27 4-9pm, SAT NOV 28 9am-9pm, SUN NOV 29 NOON-5PM

RAIN CONTINGENCY DATE: (Rescheduling due to inclement weather is allowed once within one week from the date of the originally scheduled event upon 24 hours written notice to the City without a new request. The time of event operation shall remain the same.)

N/A

LOCATION OF EVENT

(i.e., Amphitheater area of Finlay Park; 1300 and 1400 blocks of Main Street between Lady Street and Hampton Street)

1300, 1400, 1500 blocks of MAIN ST  
HAMPTON + WASHINGTON INTERSECTIONS

STREET(S) OR PARK AREA TO BE CLOSED

(i.e., 1300 and 1400 blocks of Main Street between Lady Street and Hampton Street; Amphitheater area of Finlay Park; Boyd Plaza)



HOURS FOR STREET(S) OR PARK AREA TO BE CLOSED

(i.e., 5:00 p.m. - 12:00 a.m.) ALLOW TIME FOR SET UP/CLEAN UP

11/27 2pm-10pm  
11/28 7am-10pm  
11/29 10am-6pm

HOURS OF EVENT

(i.e., 6:00 p.m. - 10:00 p.m.)\*

11/27 4-9pm 11/28 9am-9pm 11/29 NOON-5PM

HOURS OF SERVICE OF BEER/WINE BEVERAGES ONLY (NO LIQUOR\*\*)

(Service should end one-half hour prior to end of event (i.e., event is 6-10 p.m., beer/wine service is 5-9:30 p.m.)\*

N/A

Requests should be submitted by mail, e-mail or fax at least **NINETY (90) days in advance of the event** to allow for preparation and review of the Resolution and scheduling on Council's agenda. Requests may be sent by e-mail (shari.ardis@columbiasc.gov), fax (803-737-4250) or mailed to City Attorney's Office, ATTN: Shari Ardis, PDB 667, Columbia, SC 29202. A draft Resolution will be prepared and forwarded for review to the event organizer, as well as to the City departments for coordination of City services and requirements (i.e., Police, Solid Waste, Parks and Recreation, etc.). Approval from the adjoining business/property owners must be obtained before your request will be submitted to City Council if streets are to be closed off during business hours. The event organizer is responsible for obtaining a permit or license if required by the South Carolina Department of Revenue.

**\*Outdoor possession and consumption of beer and wine beverages only, all outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of events to residential properties.**

**\*\*ONLY BEER AND WINE BEVERAGES ARE ALLOWED ON CITY PROPERTY. POSSESSION OF LIQUOR IS STRICTLY PROHIBITED. VIP tents or VIP areas for possession and consumption of beer and wine beverages within the event area are PROHIBITED.** - Ability to walk around would help.

NOTE: This form should only be used for public events where beer and/or wine are to be sold and consumed on City property (i.e., Main Street Latin Festival, St. Patrick's Festival, Vista Lights, Rocky Shoals Spider Lily Festival, etc.)

This form should not be used to request use of City property for private events (birthday, retirement, anniversary parties, etc.) nor for sidewalk sales or neighborhood block parties. Requests for private events at City parks should be made through the Parks and Recreation Department. Requests for sidewalk sales should be made to the City Manager. Requests for street closings for private neighborhood block parties should be made to the Police Department Special Events and Public Safety.

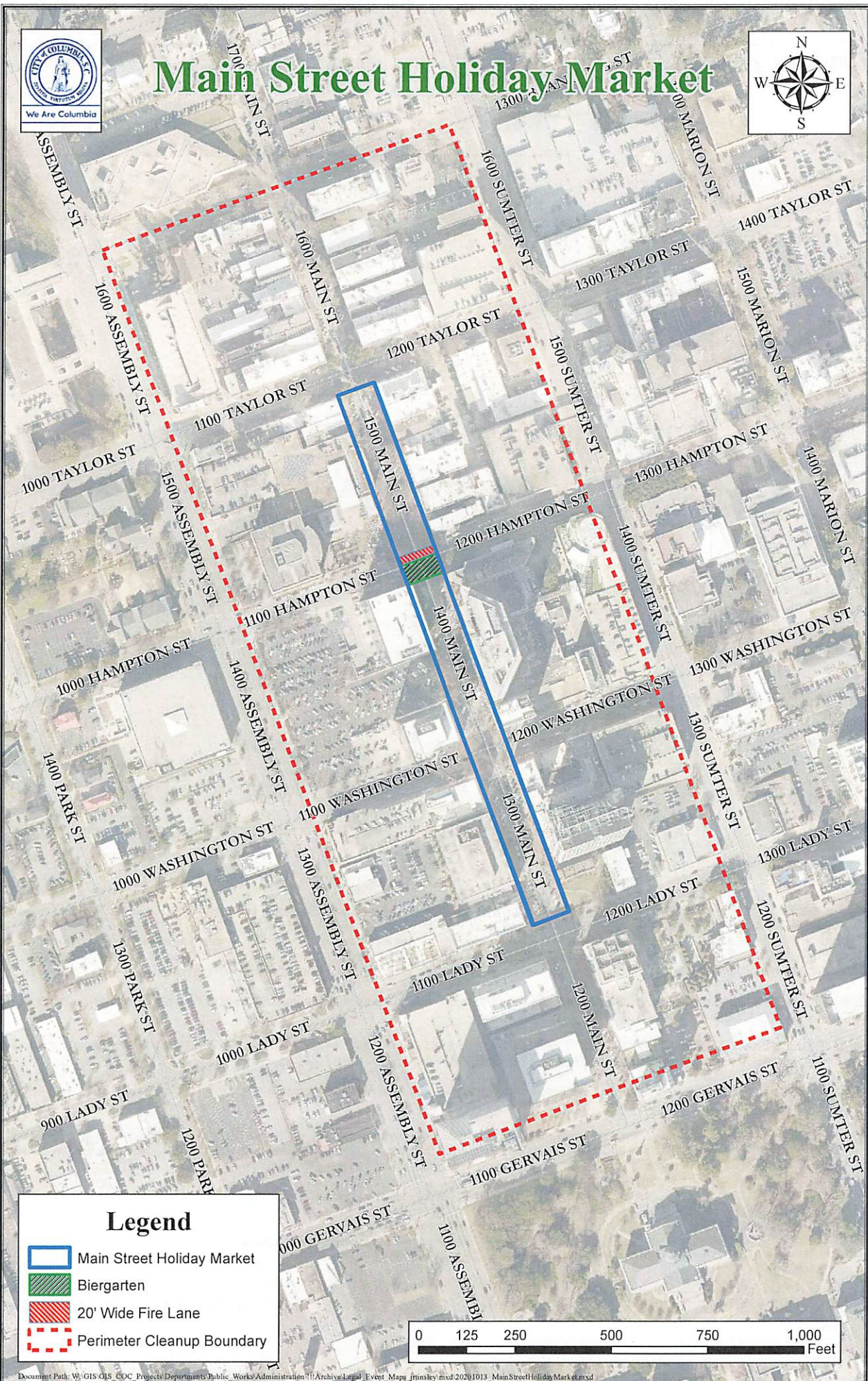
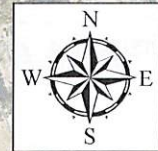
- Fire Marshal George N. Adams, Jr., 803-545-3703, george.adams@columbiasc.gov
- Legal Department - Shari Ardis; 803-737-4242; shari.ardis@columbiasc.gov or fax 803-737-4250 - resolution preparation
- Parking Services - Jessica Argue; (803) 545-0267; jessica.argue@columbiasc.gov - meter bagging
- Parks and Recreation - Pearl Osborne; 803-545-3100; pearl.osborne@columbiasc.gov - park reservations
- Police Department Special Events - Lieutenant Eric Murphy; 803-545-3514; eric.murphy@columbiasc.gov - parade permit, police
- Police Department Community Services - Brenda Murphy; 803-545-3507; brenda.murphy@columbiasc.gov - street closing

**\*DUE TO COVID-19 THERE ARE ADDITIONAL REQUIREMENTS AND PROCEDURES THAT MUST BE IN PLACE TO INSURE PUBLIC SAFETY. PLEASE PROVIDE YOUR APPROVED SC DEPARTMENT OF COMMERCE APPLICATION WITH YOUR SPECIAL EVENT REQUEST FORM.\***



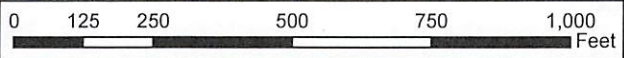


# Main Street Holiday Market



**Legend**

-  Main Street Holiday Market
-  Biergarten
-  20' Wide Fire Lane
-  Perimeter Cleanup Boundary





**Ardis, Shari L**

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**From:** Gentry, Missy A  
**Sent:** Wednesday, October 21, 2020 6:43 PM  
**To:** Emile DeFelice  
**Cc:** Jenna Bridgers; Matt Kennell; Ardis, Shari L; Anderson, Robert A; Martin, Randy D; Murphy, Eric S; Adams, George N; Baldauf, Mary P (Mary Pat); Coleman, Ryan T; Hampton, Kathryn J (Kay); Shealy, Clint E  
**Subject:** Re: [EXTERNAL] Fwd: Event Exception Request Response

Emile

Thanks for forwarding. I'm copying others involved with special events and/or the Holiday Market discussion so they will be aware the weekly Soda City market as well as the Soda City Holiday Market has applied and been approved by SC Commerce. Based on your earlier response regarding the draft resolution, looks like you are approved to plan the event. The resolution should be finalized for placement on the Nov 10 council meeting.

Please work with your normal City liaisons if you have questions during your planning process for the Holiday Market.

I look forward to learning more details about vendor interest/participation over the next month and planning my time to do some Christmas Shopping on Main St!

Missy

Missy Gentry, PE  
Assistant City Manager  
City of Columbia  
Missy.gentry@columbiasc.gov  
803-315-5125

Sent from my iPhone

On Oct 21, 2020, at 5:52 PM, Emile DeFelice <emile@sodacitysc.com> wrote:

**\*WARNING\***: Use caution with links and documents in emails referencing the **Coronavirus** situation. Malicious actors have been using this situation as an opportunity to take advantage of users.

**CAUTION**: This email originated outside of the organization. Do not click links or open attachments from unknown senders or suspicious emails. Never enter a username or password on a site that you did not knowingly access.

Good to go!

E

----- Forwarded message -----

From: **Events** <[events@sccommerce.com](mailto:events@sccommerce.com)>

Date: Wed, Oct 21, 2020 at 4:33 PM

Subject: Event Exception Request Response

To: [emile@sodacitysc.com](mailto:emile@sodacitysc.com) <[emile@sodacitysc.com](mailto:emile@sodacitysc.com)>

Cc: [reopeningguidance@dhec.sc.gov](mailto:reopeningguidance@dhec.sc.gov) <[reopeningguidance@dhec.sc.gov](mailto:reopeningguidance@dhec.sc.gov)>

To Market Hall dba Soda City:

Thank you for the "Soda City Holiday Market / Soda City Market" application for exemption request submitted on 10/20/2020. Following a careful review of your application, the relevant [Executive Order](#) from the Governor, guidance from the South Carolina Department of Health and Environmental Control (SC DHEC), and applicable law, your event request has been GRANTED.

Each application is evaluated individually. Events anticipating at least two hundred and fifty (250+) attendees must be able to comply with social distancing guidelines and best practices as issued by the Center for Disease Control ("CDC") and SC DHEC, and compliance with all local, state, and federal laws.

Please be advised that the Governor's Executive Orders are not permanent and are subject to change and modification by further Executive Order. Newly issued Executive Orders may modify or revoke the approval of your event without notice.

Each event's hosts are responsible for ensuring that the Event's approval is current and valid under the most current statewide guidance. Accordingly, all hosts should monitor the issuance of Executive Orders subsequent to its initial approval to determine whether a more recent Executive Order modifies or revokes current approvals, even if previously approved by the South Carolina Department of Commerce and SC DHEC.

If a subsequent Executive Order potentially modifies or revokes the approval of your event, you should seek further confirmation by submitting another application. Reliance on prior clarification by the Department of Commerce and DHEC will not prevent closure by law enforcement if the event's approval is not valid under the most recent statewide guidance. Any changes to the event (including, but not limited to: entering a new phase of re-opening, the venue, event host, etc.) will require a new event request form submittal for each instance.

In accordance with the South Carolina Code of Laws, State, county, or city official have been authorized and directed to enforce the provisions of Executive Order 2020-50 and any prior orders issued in connection with the present State of Emergency. The penalty for violation of any provision of this and prior executive orders is a misdemeanor, and, upon conviction, the violator must be fined not more than one hundred dollars or imprisoned for not more than thirty days. This event approval WILL NOT protect the applicant from action by law enforcement if applicant fails to comply with its representations made within its application.

This event approval is based on information and representations provided to the South Carolina Department of Commerce and DHEC by the event host. Notwithstanding any and all Federal and State requirements, resuming activities and events remains in your discretion. The South Carolina Department of Commerce and DHEC make no representation or warranty of any kind, express or implied, regarding the adequacy or completeness of the plans submitted by the event

hosts for review.

It is the responsibility of the host of the event to ensure that the event is held in a manner consistent with the law and the Governor's Executive Order. SC Department of Commerce and DHEC cannot certify that there will be no exposure to or transmission of COVID-19 even if all safety protocols are taken and guidelines are enforced. To host and/or attend events during the COVID-19 pandemic is solely at your own risk.

This approval is not a permit or a contract and does not constitute a waiver of any other federal, state, local, municipal, and private rules and regulations regarding events. Event hosts are still required to consult the proper authorities concerning permitting, rules and regulations as applicable.

For further information about how to plan to safely hold large gatherings during the COVID-19 pandemic, please visit the CDC Events and Gatherings guidance [site](#) and /or AccelerateSC website at <https://accelerate.sc.gov> .

Sincerely,

SC Department of Commerce

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Emile DeFelice  
CEO

[sodacitysc.com](http://sodacitysc.com)



[Market Rules](#) | [Vendor Application](#)