

RESOLUTION NO.: R-2012-107

Authorizing tastings of locally produced wine at Soda City within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and 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 for Soda City

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WHEREAS, Emile DeFelice ("Organizer") is organizing Soda City (open air farmers' market) to be held within the 1500 block of Main Street between Hampton Street and Taylor Street, excluding Boyd Plaza and sidewalk areas, from 7:30 am until 2:00 pm on Saturdays, beginning the first Saturday following the approval date of this resolution until February 2, 2013, provided that the dates and times of the farmers market do not conflict with other events which may be held in the 1500 block of Main and/or Boyd Plaza, as such events shall have priority over the market; and,

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

WHEREAS, Organizer has requested permission for the temporary closing and use of the 1500 block of Main Street between Hampton Street and Taylor Street, excluding Boyd Plaza and the sidewalk areas 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 pm on Saturdays beginning the first Saturday following the approval date of this resolution until February 2, 2013, provided that the dates and times of the farmers market do not conflict with other events which may be held in the 1500 block of Main and/or Boyd Plaza, as such events shall have priority over the market; for patrons to taste locally produced wine beverages only at the event during the hours of 8:00 a.m. and 11:30 a.m.; and for crowd control and overflow; and,

WHEREAS, Organizer shall:

1. Bear all costs associated with all market events and will not seek any financial assistance from the City of Columbia;
2. Be responsible for the rental of tents for use by vendors. All tents shall be set up within the parking space areas only within the 1500 block of Main Street. Tents and tent tie down materials and food trucks are prohibited on the sidewalk areas and medians. 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.
3. Provide suitable restrooms for vendors and patrons.
4. 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;
5. 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;
6. 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;
7. 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.
8. Insure vendors offering tastings of locally produced wines have obtained all necessary permits and/or licenses which are required by SCDOR for wine tastings.
9. Adopt appropriate Rules and Regulations for the conduct and control of the market.
10. 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 18th day of December, 2012, that tastings of locally produced wine only is authorized at the event between the hours of 9:00 a.m. and 12:30 p.m.; and,

BE IT RESOLVED that the City Manager is hereby authorized to execute the attached Agreement to Organize and Operate an Open Air Farmers' Market between Emile DeFelice ("Organizer") and City of Columbia for use of the 1500 block of Main Street between Hampton Street and Taylor Street, excluding Boyd Plaza and the sidewalk areas, for Soda City (open air farmers' market), attached hereto as Exhibit "E" and incorporated herein; and,

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

BE IT FURTHER RESOLVED that organizer is responsible or shall make arrangements for the clean-up of all trash and debris within the event area and shall place same in the roll carts provided by the City. Any overflow of trash and debris shall be placed in

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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 event area, any costs incurred by the City in removing loose trash and debris within the event area, 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 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 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, except for such times as the Organizer permits loading before the event and unloading after the closing of the event. All pets, with the exception of service dogs, shall be prohibited. 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 between Hampton Street and Taylor Street, excluding Boyd Plaza and the sidewalk areas, 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, the 1500 block of Main Street between Hampton Street and Taylor Street, with the exception of Boyd Plaza, sidewalk areas, 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 the tasting of locally produced wine beverages only and the prohibition against possession or consumption of alcoholic beverages set forth in Sec. 14-99 shall not apply. Possession and tasting of locally produced wine beverages 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:

Emile DeFelice

Approved by:

City Manager

Approved as to form:

City Attorney

Introduced: 12/18/2012

Final Reading: 12/18/2012


Mayor

ATTEST:


City Clerk